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ABSTRACT

Major rape policy issues confronting police administrators are presented. Some of the issues addressed include: (1) Should rape calls be handled by a patrol officer, a trained patrol specialist, or some type of special unit? (2) How should rape investigators be selected? (3) What kind of training is necessary for rape investigators? (4) How can interaction between police, victim service groups and medical facilities be encouraged? A number of administrative strategies are recommended. At a more general level, the report discusses the scope of departmental policy, such as which decisions should be policy-based and which are best handled case-by-case. Report forms for collecting and recording case evidence are appended. (Author/RF)

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Forcible Rape

Police
Administrative and Policy Issues

Police Volume IV

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CG 012764

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Police
Administrative and Policy Issues

Police Volume IV

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Blair G. Ewing, Acting Director

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

James M.H. Gregg, Acting Administrator

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ABSTRACT

Departmental policies for dealing with rape cases require special attention because these cases involve especially complex issues. For example, the crime is more difficult to prove, the evidence more subtle, the legal requirements more stringent, the victim more traumatized, and the public attitudes more polarized than in almost any other type of crime. This report discusses the major rape policy issues confronting police administrators and recommends a number of particular administrative strategies. The following are examples of the types of policy issues and recommendations addressed in this document.

The first policy decision facing departments is whether rape calls should be handled by a patrol officer, a trained patrol specialist, or some type of special unit. Since the average patrol officer sees only two rape cases a year, the special officer or unit seems best for all but the smallest departments. Selecting rape investigators is a difficult personnel problem. Not only must the officer be a good investigator, he or she must be flexible and understanding enough to work well with a variety of victims and witnesses. Both male and female officers work well with adult victims but female officers have an advantage when working with children. Special training is essential in the beginning; refresher courses are valuable. Hours should be flexible because, although 75 percent of the calls come between 5:00 p.m. and 5:00 a.m., many parts of the investigations must be conducted during the day. Close cooperation is essential both with the prosecutor's office and with victim service groups and medical facilities. Therefore, it is important to encourage personal interaction between police and personnel from these other groups through mutual training courses, discussions, or joint assignments.

At a more general level, the report discusses the scope of departmental policy—i.e., which decisions should be policy-based and which are best handled case-by-case. Finally, recommended "Report Forms" for collecting and recording case evidence are appended to the document.

PROJECT STAFF

Duncan Chappell, LLB., Ph.D., Center Director
Donna Schram, Ph.D., Project Director
*Cy Ulberg, Ph.D., Research Scientist
Frank Albi, B.A., Police Specialist
Linda Forrest, M.A., Victim Specialist
Jay Reich, J.D., Prosecutor Specialist
Claudine Trafford, B.A., Administrative Assistant

* Principal author of this manual

NOTE:

The complete results of this project are included in 11 research products. This volume represents the findings of one part of a comprehensive study of rape and the criminal justice system response. Additional research findings and recommendations are available in the following publications and reports. Copies may be purchased from the Government Printing Office.

Forcible Rape: A National Survey of the Response by Police (Police Volume I)
Forcible Rape: A Manual for Patrol Officers (Police Volume II)
Forcible Rape: A Manual for Sex Crimes Investigators (Police Volume III)
Forcible Rape: A National Survey of the Response by Prosecutors (Prosecutors' Volume I)
Forcible Rape: A Manual for Filing and Trial Prosecutors (Prosecutors' Volume II)
Forcible Rape: Prosecutor Administrative and Policy Issues (Prosecutors' Volume III)
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National Advisory Panel

Bruce R. Baker, Chief of Police; Portland Police Department; Portland Oregon

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Patrick Healy, Executive Director; National District Attorneys Association; Chicago, Illinois

Margaret Jordan, Johnson County Prosecuting Attorney; Olathe, Kansas

Lieutenant Mary Keefe, formerly Sex Crimes Analysis Unit, New York City Police Department; presently Training Specialist, University Research Corp.; Washington, D.C.

Mary Ann Largen, formerly Chairperson NOW Task Force on Rape; presently, Consultant, National Center for Prevention and Control of Rape, NIMH; Washington, D.C.

Catherine H. Milton, formerly Assistant Director, Police Foundation; presently Director, Female Offender Resource Center, American Bar Association; Washington, D.C.

Reviewers

Captain Anton Gustin, Records, Evidence, & Fleet Control Division, Seattle Police Department; Seattle, Washington

Victor I. Cizanckas, Chief of Police, Menlo Park Police Department; Menlo Park, California

Project Monitors

Lois Mock; National Institute of Law Enforcement and Criminal Justice; Law Enforcement Assistance Administration; Washington, D.C.

Dr. Fred Heinzelmann; National Institute of Law Enforcement and Criminal Justice; Law Enforcement Assistance Administration; Washington, D.C.

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Larry Mullen, Computer Specialist; Battelle; Seattle, Washington

Julia Burman, Coder; Battelle; Seattle, Washington

Julia Garratt, Coder; Battelle; Seattle, Washington

Jamilia Griffin, Coder; Battelle; Seattle, Washington

Karen Kaye, Coder; Battelle; Seattle, Washington

Cheryl Hawes-Fouts, Coder; Battelle; Seattle, Washington

Elizabeth Seabeck, Coder; Battelle; Seattle, Washington

CHAPTER 1. INTRODUCTION

The crime of forcible rape is receiving growing recognition as a critical problem in our society. This recognition has accompanied an increased awareness of and concern about street crime in general. For a number of reasons, however, rape has been singled out, and the criminal justice system has felt pressure to deal more adequately with this particular crime. Police departments have been the focal point of much of the criticism leveled at the criminal justice system. They have been urged to devote more resources to handle forcible rape and, in particular, to develop better methods to deal with victims of the crime.

Specifically, police have been criticized for their insensitivity to rape victims. Victims complain that their stories are not believed, that their privacy is unnecessarily invaded, and that the police don't do enough to identify, capture, and develop cases against their assailants.[1] The conviction rate shows that only about 3% of rapes reported to police result in convictions for rape.[2] While much of the prosecution process is out of the hands of the police, there is more that police could do to develop good cases for presentation to the prosecutor.

This manual has been prepared to meet the needs of police administrators in developing policy concerning the handling of forcible rape. In recent years, many police departments have tried new and innovative ways to deal with the crime, such as special sexual assault squads; new techniques for processing physical evidence; cooperative efforts with hospitals, victim counseling services, and prosecutor's offices; and specialized training. The two-year research project supporting the development of this document was directed toward evaluating the effectiveness of various approaches.

The research project was funded by the Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice. During the first year of this research 208 law enforcement agencies and 150 prosecutors' offices of all sizes and from all parts of the country were surveyed regarding their procedures for handling rape cases. In addition, the criminal justice response to rape in the Seattle-King County (Washington) area was thoroughly examined. This effort included interviews with police department administrators; members of the department's sex crimes investigation unit; 75 officers assigned to patrol duty; a sample of prosecutors; judges and defense attorneys experienced in trying rape cases; 69 reporting and 27 non-reporting rape victims; and an evaluation of all 308 rapes reported to the Seattle Police Department during 1974. In addition, to expand further the data base established during the first year of research, a sample of 1974 rape cases reported to the Phoenix and New Orleans Police Departments was also obtained for evaluation.

During the second year of this research, six additional cities were selected for further study, using the techniques developed in Seattle. Interviews with a total of 30 police administrators, 86 sex crimes unit detectives, 214 patrol officers, 20 deputy prosecutors, 15 prosecution policy-makers, and 48 rape victims were completed in Austin, Detroit, Kansas City, Memphis, Oakland, and Washington, D.C. In addition, samples of the 1975 rape reports made to the Detroit, Michigan, and Kansas City, Missouri, Police Departments were also obtained for study.

The result of this intensive research effort is a recognition of the complexity of the problem of responding to rape, the limitations on available resources, and the wide variety of responses that are required and have been tried in different sizes and kinds of jurisdiction. The issues of interest to the police administrator are complex and interwoven. Chapter 2 discusses the crime of rape, reactions of victims, and legal issues involved in the investigation of rape. The third chapter goes through the whole process from the initial response to the final stages of the investigation and judicial proceedings and discusses the advantages and disadvantages of various strategies and procedures for handling rape. The next four chapters cover specific topics of importance for the police administrator including personnel decisions, training, equipment and facilities, and interactions with outside agencies.

NOTES

[1] Numerous articles and books have been written concerning victims' experiences with the criminal justice system. For example, see Susan Brownmiller, *Against Our Will: Men, Women and Rape*, (Simon and Schuster, New York, 1975), pp. 364–368. Our own research, while showing considerable overall satisfaction with police, also records numerous instances of the same complaints.

[2] Of the 635 reported rapes in 1974 and 1975 studied from Seattle, Washington; and Kansas City, Missouri as a part of this research, 10 cases resulted in conviction for the crime of rape. An additional 10 cases resulted in a conviction for another crime.

CHAPTER 2. RAPE AND ITS VICTIMS

Most police officers come into contact with very few rapes.[1] The little experience that they do have may be unrepresentative and create distortions concerning the actual characteristics of rape cases. This is especially true for police administrators who may have had no direct contact with rape cases for many years. Everybody is subject to the same myths and biases that have arisen because of a lack of information and open discussion about the crime. It is important that police administrators are aware of the actual characteristics of the crime and its victims in making policy decisions concerning police department handling of rape cases. The purpose of this chapter is to discuss these issues and some of their general implications for decision making in a police department.

2.1 The Incidence of Rape

There is no doubt that there are reasons for the growing attention being paid to rape. The number of reported rapes has increased with alarming regularity. FBI statistics show that 56,090 rapes were reported in 1975.[2] This number is a result of an average annual 9 percent increase during the last ten years. This rate of increase is larger than for any other category of serious crime. At the same time, victimization studies have shown that rape is one of the most underreported crimes. Estimates are that between only one in three and one in five rapes are reported.[3] If one were to make a conservative estimate that 25 percent of all rapes are reported, this means that one in 500 women are victims of rape each year.

Detailed analyses of police records and victim interviews were conducted to determine the actual characteristics of cases reported to police departments. The following patterns emerged:

1. *Victims*. The victims of rape are usually young and single. Police reports indicate that over half of the victims are 20 years of age or younger. Another quarter to one-third of the victims are under 25 years of age, while less than 15 percent of the rapes reported to the police are received from women over the age of 30. Although women of all racial groups report rapes, black women are slightly overrepresented when compared to their numbers in the general population.

2. *Offenders*. Most offenders are estimated to be in their twenties, and on the average, four to five years older than their victims. In general, racial minorities tend to be overrepresented in the offender population. In areas where the minority population is relatively small, the number of minority offenders identified by reporting victims is four or five times greater than their representation in the population as a whole. There is nothing particularly unusual about the physical characteristics of offenders. The majority of victims describe their assailants as average in terms of height and weight. In approximately 60 percent of the cases reported to the police, the rapist is a complete stranger to the victim. In another quarter of the reported cases, the victim is acquainted with the offender or has a limited social interaction with him. The remaining 10 to 15 percent consider the offender a close friend or relative.

3. *Initial contact*. The two most common places victims reported encountering their assailant were in their own homes or on the street. In approximately one-half of these cases, the victims reported that force was used against them immediately. In an additional third of these offenses, the victims reported being with the accused for less than 60 minutes when the assault occurred. Hitchhiking was involved in less than 15 percent of the rapes reported to the police.

4. *Weapons, force, and threats*. Weapons were used in approximately 50 percent of all reported rapes. Knives or guns were most widely employed, but such items as bottles, rocks, and lighted cigarettes were also used as weapons. In 75 percent of the rape reports, some type of strong-arm force was used against the victim. Most of these victims reported being overpowered and held down, but choking and beating were not uncommon. Some type of threat was used against 60 percent of all reported victims. These threats were usually made against the life of the victim.

5. *Resistance*. Approximately one-third of all victims reported that they were not able to employ any type of resistance whatsoever. Most women reported offering some type of verbal or other form of passive resistance. Victims reported fighting with their assailants in roughly one-half of all cases. Approximately one-third of these victims reported that their resistance had no apparent effect on their assailants; most of them reported that their physical resistance caused the offender to become more violent and aggressive.

6. *Injuries*. About one-half of all women who report being rapes sustain physical injuries of some type. When injuries occur, they usually consist of minor cuts, scratches, and bruises. Few victims are seriously injured. Of the women who were injured, one-half reported that

their resistance was the cause of the injury. Fully 80 percent of all victims indicated they believed that further injuries would have resulted had they provided additional resistance.

7. *Additional crimes*. About half of all women who are raped report being the victim of additional offenses including other sex crimes. In about 25 percent of all rapes, victims are kidnapped or otherwise abducted. Theft is involved in 20 percent of rape reports. In the area of additional sex acts, about 30 percent of victims are forced to commit fellatio. Cunnilingus and anal intercourse are each reported by about 10 percent of victims. Victims report being forced to commit multiple acts of vaginal intercourse in approximately 25 percent of all cases.

2.2 Emotional Reactions of Victims

Understanding the emotional reactions of victims to rape is critical for anybody dealing with rape cases or for those making decisions concerning how they are handled. There are experiences and situations in life that induce crisis for anybody. Rape is one such experience. The psychological reactions of a woman who has been raped are similar to the emotional reactions that people experience in other types of crises such as severe automobile accidents, accidental death of a loved one, or serious physical injury. Normal patterns of living are temporarily disrupted by these events, and the means which everyone has to cope with stress are severely taxed. Certain reactions to such crises can be expected and should be considered a healthy response.

Researchers and medical personnel have interviewed victims of rape immediately after the attack and for a period of weeks and months thereafter. They have observed a common sequential pattern of emotional reactions that have come to be known as the "rape trauma syndrome". Not all rape victims follow the identical pattern of response, nor do they experience the same symptoms or similar symptoms with the same intensity. Virtually all victims, however, experience some of the emotions described and therefore the rape trauma syndrome provides a useful means to discuss the reaction of victims in general to the crisis of rape. The rape trauma syndrome describes three phases of psychological response: (1) the acute phase, (2) the adjustment phase, (3) the integration phase.[4]

Acute phase. For the first several days following their rape, the response of many victims is characterized by various extreme psychological reactions. Frequently victims enter a state of emotional shock. They cannot believe the rape occurred and they may be unable to comprehend what has happened or what they should do. As a result, some victims act in what appears to be an illogical or irrational manner. For example, victims may not contact the police for hours or days, or they may repeatedly bathe or wash their clothes.

Every victim experiences some degree of abject fear. The forcible rape itself is most commonly perceived as a lifethreatening event rather than a sexual intrusion. Often the victim's life is explicitly threatened. In addition, because weapons are often used, the victim fears injury, mutilation, or permanent bodily damage. It is these fears that may determine and explain many of her actions during the hours and days immediately after the rape.

In addition to fear, victims are likely to experience a variety of other emotions, such as anger, shame, guilt, helplessness, anxiety, revenge, and embarrassment. It is common for victims to exhibit severe and abrupt mood changes immediately after the rape. For example, during an interview, a victim might unexpectedly display a surge of anger followed by a sudden expression of guilt or self-blame. Such mood changes can be as surprising and unexpected to the victim as they are to the interviewer. Rather than expressing their emotions, some victims respond to a rape with a calm, composed demeanor or "controlled reaction." These victims do not wish to exhibit emotions, especially in front of a stranger or authority figure like a police officer. Psychologically it is important for these victims to demonstrate that they can handle stress in a mature and adult manner. This appearance of casualness is a way of hiding and avoiding true and often intense emotions. This "control" may result in victim responses which are considered inappropriate such as giggling, smiling, or even laughing. Unfortunately, this type of response can cause others to doubt the victim's account of the rape.

Victims experience these feelings at different times and in different ways depending on the manner in which they normally cope with crisis. These personal coping strategies are affected by such factors as the victim's age and maturity, her upbringing (how she was taught to deal with crisis), her resources within her environment (how those close to her will respond), and her financial security. The victim's reaction to the rape is a complex interaction of the imposed situational crisis and the victim's own personal lifestyle.

Adjustment phase. Following their intense emotional reaction to the rape, victims often give every appearance that they have learned to cope with their experience. Very often they accomplish this by blocking out all thoughts regarding their rape and rearrange their daily life so that they are not reminded of it. During this period some victims indicate they wish to withdraw their complaints, or they become uncooperative with investigators and prosecutors. This denial period is usually a temporary stage of outward adjustment, for at this time many victims have not fully come to terms with their experi-

ence. For these victims, fundamental problems may remain, only to emerge at a later time.

Integration phase. The final stage of dealing with rape trauma occurs over a long period of time and requires the victim fully to integrate her experience into her life as a whole. Because it so dramatically upsets the normal routines of a victim's life, a rape can produce a period of self-evaluation and new decisions. Many facets of the victim's life may be different after the rape. Some women find it necessary to change residences in an effort to achieve a feeling of safety. This is a particularly common behavior for women who were raped in their own homes. Other women spend a great deal of time, energy, and money to secure their present homes with new locks, bolts, or alarm systems.

Victims may perceive themselves as being changed by the rape, either because they feel differently about themselves or they believe that others see them as changed and stigmatized. Many victims find it difficult to return to their normal responsibilities at work or school. If they do return, they are often unable to concentrate or carry out their normal tasks. For some victims this means either a decision to quit work or school, or a decision by an employer to release the woman. In such instances, the woman's life is further disrupted by the lack of employment and financial security.

Family support can be crucial at this time. Unfortunately, family members can respond in ways that are not helpful to the victim. Victims describe husbands, boyfriends, or parents who doubt their account of rape. Consistently, victims report that their relationship with their husband or boyfriend is strained. Most victims severely limit their outside social activities for extended periods following their assault.

The victim and the criminal justice system. The effects of the rape trauma syndrome can clearly influence the victim's interaction with the criminal justice system. There are many specific ways, for example, in which the victim's emotional defense mechanisms can interfere with the standard procedures for investigating and prosecuting rape cases. By being aware of such potential difficulties, criminal justice personnel at all levels can help victims resolve crises as they arise. Such a response can prevent victim withdrawal and increase the likelihood of successful prosecution.

The victim who gives a statement to the police or the prosecutor shortly after the rape may be unable to relate the incident fully and accurately. While this confusion varies among victims, all statements should be taken and later read with a consideration of the victim's emotional state at the time. It may be appropriate either to tape the victim's statement to capture the emotional quality of her voice, or to wait a period of time before any formal statement is taken. The emotional factor is not only critical for criminal justice personnel to consider at the time of statement taking, but it can be important later in explaining to juries the particular content of such statements.

Following their assault, some victims revert to a state of dependence or helplessness. Since decision-making may become an ordeal, these victims can become extremely susceptible to pressure. This can be important if, for example, a relative or a friend has a strong opinion whether the victim should prosecute the rapist. Victims also become very sensitive to the attitudes and behavior of authority figures such as the police officers and prosecutors involved with their cases. Lack of support from criminal justice personnel is likely to cause victims to become confused and uncooperative.

Victims often respond to the rape with a significant amount of guilt. Some victims exaggerate their own responsibility for not avoiding a potentially dangerous situation. This feeling is often reinforced when the victim is questioned by police and prosecutors about her inability to resist successfully or escape. The victim may need some help understanding that, with hindsight, one is always able to make better judgments. With proper emotional support, the majority of victims come to understand that they probably did the best they could under circumstances of potentially great personal danger.

Victims often report significant disruptions in their daily routines. Some women, for example, are unable to sleep at night and are easily awakened by noises that would not normally bother them. Frequently, women also report loss of appetite. Others find that eating causes nausea, especially if the woman has been forced to perform oral sex. The victim's ability to concentrate may be greatly diminished and her attention span temporarily shortened. In general, the victim's ability to perform normally may be severely altered, particularly as she is exposed to the further stresses of criminal justice procedures.

Nightmares are a common experience for women who have been raped. The dreams often consist of vivid pictures in which the victim relives the terror of the rape situation. The paralyzing feeling of doom is recreated with such reality that the victim often awakens to the same frightening powerlessness, loss of autonomy, and life-threatening fear that the rape itself produced. These dreams reinforce the victim's general anxiety that she is no longer able to protect herself, and may induce her to request that her case be dropped.

Women who have been raped sometimes experience phobic reactions to circumstances or characteristics that they relate to their assault. An example might be a victim who was raped on a stairwell and who subsequently finds it very difficult to use any stairs. Police and prosecutors should be aware of such phobic reactions, particularly if

the victim is asked to return to the scene of the crime or to view evidence from the rape.

Phobic reactions and recurring nightmares are natural methods for coping with severe trauma. Rape victims, however, may be very worried that they are "going crazy", that they can no longer cope, or that they will never be normal again. It is important that victims be able to talk to someone about these fears. Police and prosecutors can help by sharing their knowledge about the reactions that victims normally experience. Because criminal justice personnel are seen as authority figures, their actions have an especially important impact on victims. By demonstrating sensitivity and concern, police officers can increase a victim's ability to recover quickly from the trauma of being raped and facilitate the investigation and prosecution of her case.

2.3 Legal Aspects of Rape

Recently, there has been extensive review of the law concerning the crime of rape. Since 1973, virtually every state has considered revising rape statutes. These changes have included changing the definition of rape, revising evidentiary requirements, and making the provision of services to victims mandatory. Traditionally, rape has been defined as the penetration of a penis into the vagina against the will of a female who is not the assailant's wife. Recent legislation has altered this definition in several ways:

(1) the intercourse need not be vaginal, but can be oral or anal;
(2) the penetration need not be by a penis, but can be accomplished by any object, including the tongue;
(3) the victim need not be female;
(4) the victim can be the assailant's wife.

Other changes in the definition have included the introduction of degrees of rape depending on the aggravating circumstances.

Changes in evidentiary requirements have been proposed primarily to reverse the imbalances that protect the defendant at the expense of the victim. For instance, the admissibility of the victim's sexual history has been curtailed significantly. In some states, it is not allowed at all. In others, it is limited to previous relations with the defendant. The admissibility of such evidence is at the discretion of the judge in other jurisdictions.

Requirements for corroboration of the elements of the crime have been relaxed in some jurisdictions. For instance, New York statutes previously required corroboration for all elements of the crime. Now, corroboration clearly strengthens the case against a defendant, but is no longer technically necessary.

Regardless of the local statutes concerning rape, there are three basic elements that need to be present in order to charge forcible rape:

(1) sexual penetration;
(2) lack of victim consent; and
(3) identification of the assailant.

Rape investigations should be organized around proving these three elements of the crime.

Sexual penetration. In order to prove penetration, a timely medical examination is indicated. Technically, the uncorroborated testimony of the victim is sufficient to establish that penetration occurred. If, however, the victim and defendant present conflicting testimony concerning penetration, the point becomes a question of fact to be decided by the court or a jury. In rare cases, witnesses can substantiate that penetration occurred. However, medical evidence of penetration is the usual type of corroborating testimony that is presented. Prompt medical examination is important in this determination. Even if no ejaculate is detected, a physician can testify that penetration occurred based on the condition of the victim if she is examined shortly after the assault.

Lack of victim consent. In cases in which the victim and assailant are acquainted, and in a few stranger-to-stranger cases, proving lack of consent will be the most important issue. An accused person using a defense based on consent will say that he was the victim at the time of the offense and that sexual activity occurred, but that penetration was with the consent of the victim. Technically, uncorroborated testimony by the victim that she did not consent is sufficient to defeat this defense. In reality, however, this is seldom adequate.

Evidence of violence, including injuries to the victim or the assailant, and evidence gathered from the scene of the crime can provide corroboration of lack of consent. The importance of medical testimony concerning the condition of the victim supports the need for a prompt and thorough physical examination. Careful analysis of the crime scene can substantiate the victim's testimony that a struggle occurred.

Another type of evidence used to defeat a defense based on consent is the emotional condition of the victim when the crime is discovered. Testimony by witnesses, including police officers responding to the scene and medical personnel, can serve to corroborate the victim's lack of consent.

Consent defenses are difficult to counter. Since victims often develop doubts about how their own actions contributed to their attack, repeated questioning by criminal justice personnel concerning her behavior can aggravate her emotional reaction. Investigating these cases requires the greatest degree of skill and sensitivity.

Identification of the accused. Identifying the assailant is generally an issue only in stranger-to-stranger cases. The first problem is to locate a suspect, and the next step

is to develop evidence to confirm the identification. Evidence to confirm the identity of the assailant sometimes is also necessary in cases in which the assailant and victim are acquainted.

Techniques such as MO files and mug shots are useful for developing pools of suspects when the assailant is a repeat offender. No one really knows how many rapes are committed by multiple offenders, but the fact that suspects are identified in so few stranger-to-stranger cases points out the limitations of using records of previous offenses. The use of artist's sketches and photo montages has met with success in some cases. In addition, careful analysis of the crime scene and extensive canvassing for witnesses are avenues always open for more complete investigations.

Once a pool of suspects is identified, narrowing down the identity becomes a matter of a combination of the ability of the victim to make an identification, laboratory analysis of material from the crime scene and the medical examination of the victim, and the questioning of suspects. If a person is accused and his defense is based on an alibi, the investigation can also be directed toward discrediting the alibi.

Building a case. The essence of investigating a rape and building a case against a suspect is proving each of the three elements of the crime. This may seem like an elementary principle, but failure to follow it has resulted in lost cases and ineffective case management. In the remainder of this manual, presentation of the rape investigation process will be based on this principle.

NOTES

[1] The patrol officers interviewed for this study averaged fewer than 2 rapes per year.

[2] Federal Bureau of Investigation, *Uniform Crime Reports for the United States*, (Washington, D.C.: United States Government Printing Office. 1975), p. 22.

[3] In 1965, the National Opinion Research Center of the University of Chicago conducted a victimization survey and found that the actual rate of forcible rape in their sample was 3.66 times greater than the reported rate. President's Commission of Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, D.C.: United States Government Printing Office, 1967), p. 21. In California it has been established that the rate of actual forcible rapes to reported rapes was 1:5. State of California, Subcommittee on Sex Crimes of the Assembly Interior Committee on Judicial System and Judicial Process, Preliminary Report 26 (1950). Police in Minnesota estimate the rate to be 1:4. Minnesota Department of Corrections, *The Sex Offender in Minnesota*, 2 (1964).

[4] For a thorough description of this pathology, see Ann W. Burgess and Lynda L. Holmstrom, "Rape Trauma Syndrome", *American Journal of Psychiatry*, 131 (September, 1974), pp. 981–986; Ann Burgess and Linda Holmstrom, "Assessing Trauma in the Rape Victim", *American Journal of Nursing*, 75 (1975), pp. 1288–1291; Ann W. Burgess and Lynda Lyttle Holmstrom, "Coping Behavior of the Rape Victim", *American Journal of Psychiatry*, 133 (1976), pp. 413–418; Sharon L. McCombie, "Characteristics of Rape Victims Seen in Crisis Intervention", *Smith College Studies in Social Work*, 46 (1976), pp. 137–158; Malkah T. Notman and Carol C. Nadelson, "The Rape Victim: Psychodynamic Considerations", *American Journal of Psychiatry*, 133 (1976), pp. 408–413; Sandra Sutherland and Donald Schere, "Patterns of Response Among Victims of Rape". *American Journal of Orthopsychiatry*, 40 (1970), pp. 503–511; Martin Symonds, "The Rape Victim: Psychological Patterns of Response", *American Journal of Psychoanalysis* 36 (Spring, 1976), pp. 27–34.

CHAPTER 3. RAPE INVESTIGATION PROCESS

Investigating a reported rape is the same, in many respects, as investigating the report of any crime. However, because of the unique evidentiary requirements and the importance of taking into account the victim's emotional reactions, it will be argued here that a specialized response is preferred in handling cases of rape. Many of the specifics in handling rape cases should be up to the discretion of line personnel. However, police department policy determines, to a great extent, how a case is handled.

3.1 Response Models

For purposes of clarity, the police department handling of a rape case will be broken into two phases: (1) initial investigation and (2) follow-up investigation. The initial investigation consists of all those activities directly following the report of the rape, including attending to the immediate needs of the victim, gathering suspect information, preparing an initial report, arranging for the victim to have a medical examination, canvassing for witnesses, and processing the crime scene. Follow-up investigation consists of obtaining formal statements from the victim, identifying and interrogating suspects, interviewing witnesses, and preparing the case for prosecution.

There are three general response models that have been employed. In the *traditional model*, patrol officers handle the entire initial investigation. Cases are then turned over to detectives who may or may not have had experience with rape cases. In the *patrol specialist model*, specially trained patrol officers handle the initial investigation and follow-up investigation is conducted by detectives. In the *special unit model*, investigations are conducted by sexual assault specialists. There are three variations of this latter model. In the first variation, members of the special unit are sent by the dispatcher to the scene of the initial report. The second possibility is to have the patrol officers who responded initially and determined that a rape occurred contact members of the special unit who respond at their discretion. The third variation is similar to the traditional model, except that the detectives who investigate the case are members of a special unit.

Depending on the size of a police department and the available resources, any one of these models may be chosen. While we believe that it is preferable to have specialists involved with a case as soon as possible, no assumption about the model adopted will be made in the discussion of the investigation process. Instead, each part of the investigation will be covered separately, and the advantages and disadvantages of having a specialist will be discussed.

3.2 Investigative Procedures and Case Development

Fourteen basic areas in a rape investigation have been identified. In roughly chronological order, they are as follows:

- initial response;
- immediate needs of the victim;
- information on suspect;
- securing crime scene;
- initial report;
- canvassing for witnesses;
- medical examination;
- crime scene processing;
- victim interviews;
- forensic analysis;
- suspect identification;
- suspect interviews;
- witness interviews; and
- preparation for prosecution.

Each of these areas requires decisions by policymakers concerning procedures, personnel involved, and amounts of effort to be expended. Of course, each step depends on and affects other steps, but they will be discussed here separately, to the degree possible.

Initial response. The initial call for a rape may come through as a dispatch such as "see the woman," "disturbance," "screams heard," or etc. It is important that dispatchers receive as much information as possible concerning the call so that the proper response can be planned. Some jurisdictions have successfully implemented systems in which a dispatcher or specially trained phone operator can stay on the line with the complainant until the police arrive at the scene. This procedure is especially useful in cases of rape, where the victim may be very upset and frightened of further attack by the assailant. By keeping the victim on the line it is also possible to obtain information that is useful in apprehending a fleeing suspect. In addition to providing comfort and assurance, the phone operator can also caution the victim not to disturb evidence.

Regardless of which response model is chosen, there should be one person in charge of the crime scene. In departments where it is possible, there are many advantages to having the investigator or patrol specialist

respond to the scene of the crime and to direct the investigation. An alternative, when it is not possible to have an investigator or patrol specialist respond immediately, is to have a patrol supervisor direct the activities at the scene of the crime. The primary reason for having either an investigator, a patrol specialist, or a supervisor direct the activities at the crime scene is that patrol officers come into contact with few rape cases. The initial handling of the victim and crime scene is critical to the development of the case. Leaving that to inexperienced patrol officers invites problems.

Another reason for having one person in charge of the crime scene is the large number of officers who respond to rape calls and the resulting confusion that this can cause. An average two and one half units responded to the initial calls in the reports that were analyzed for this study. One frequent complaint heard in the victim interviews was that too many officers responded in the beginning and created a confusing and disrupting experience for the victim. When too many people respond it is also more likely that physical evidence will be handled improperly and that initial reporting of facts may become confused. If there is a fleeing suspect, more than one unit is justified, and most police departments have regular procedures for apprehending fleeing suspects. It is important, however, both for the comfort and protection of the victim and for the more efficient development of the case, that these units not interfere at the scene of the crime.

Immediate needs of the victim. The primary responsibility of the first person responding to a rape call is to provide for the immediate needs of the victim. While it is very rarely necessary, the responding officer may have to administer first aid to an injured victim. In other cases, the victim may be extremely upset, and the use of crisis intervention techniques is called for. The more usual immediate needs are simply comfort and assurance. Officers should be aware that even though a victim may appear calm and detached, she may be in serious emotional shock, and the officer's mere presence can be important. The important thing for the administrator to recognize is the need for a timely response. Rape calls, even when the crime is not in progress or when there is no suspect nearby, should receive the highest priority response.

Information on suspect. Suspects are infrequently apprehended immediately during the initial response to a rape. In the analysis of police records, suspects were apprehended immediately in only 9 percent of the cases. However, it is obvious that when a suspect's identity is unknown, the sooner information can be obtained, and the sooner effort is devoted to apprehending the suspect, the more likely an apprehension will take place. Therefore, it is important that officers obtain information on the suspect as soon as possible. One problem with this is that if patrol officers immediately begin questioning the victim about the suspect, the victim may feel that the officer is not concerned with her. Thus immediate focusing on apprehending an assailant, to the exclusion of everything else, is not always the best policy.

When the suspect is known by the victim or a witness, it is better to delay apprehension and to concentrate efforts on caring for the victim and preserving evidence of the crime. The known suspect is likely to be available later, and if he is arrested and charged with rape, it is likely that his defense will be consent. Therefore, it is important to concentrate efforts on collecting evidence that would corroborate lack of consent on the part of the victim, rather than put time and energy into the immediate apprehension of the suspect. Problems in the prosecution of the case may arise if the suspect is not arrested on a warrant.

Securing crime scene. Even though a victim's testimony concerning a rape is legally sufficient to build a case against a rapist, corroboration of this testimony is essential for successful prosecution. Very subtle physical evidence can make a major difference in the development of a case against a rape suspect. It is important that the crime scene be secured to prevent disturbance of this evidence. There are unique kinds of evidence that are useful in rape cases that may not be in other kinds of cases.[1] Therefore, it is important that someone experienced in rape investigations process the scene for this evidence. It is unlikely that patrol officers have the experience necessary to process the crime scene effectively.

Since patrol officers are most likely to be the first persons responding to a rape call, they are responsible for the initial preservation of the crime scene until someone with experience investigating rapes can process it. In interviews with patrol officers, they identified a lack of knowledge concerning the processing of physical evidence as a major problem in their handling of rape cases. Even though they may not be responsible for the actual processing of the crime scene, it is important that patrol personnel understand enough about rape cases to secure it properly.

Initial report. The kinds of information that should be contained in the initial report depend to a large extent on the response model that is chosen. Every initial report should contain information on the identity of the suspect, the circumstances before and after the rape, and on potential witnesses. The amount of detail depends on how soon the investigator becomes involved in the case. If an investigator is called in early, it would be disadvantageous for the patrol officer to question the victim in detail. However, if an investigator is not involved early

in the case, the initial report should contain enough information to substantiate the three elements of the crime. Fresh evidence of lack of consent is especially important. Information such as how the victim and assailant first made contact, what threats were made, whether or not there was a struggle, and what kind of resistance was employed is particularly important.

A critical issue is how much information about the sexual acts performed should be gathered and when. At some time before the medical examination is performed, it is necessary to obtain the details of the sexual acts so that medical personnel will know where to collect evidence of penetration. Since victims sometimes complain that they are asked too often about the details of the crime, it is important to minimize this type of questioning.

It would make most sense to the victim if the medical personnel performing the examination obtained this information. However, in many jurisdictions, physicians are either unaware of or reluctant to obtain the evidence necessary to corroborate penetration. They may have had as little contact with rape cases as patrol officers responding to the call. Ideally, a sexual assault specialist should obtain this information and make sure it is used properly in the medical examination. If it is left to the patrol officer or medical personnel, it is possible either that the information won't be obtained or that it will be obtained in a way that upsets the victim. If it is not possible to have sexual assault specialists involved in a case before the medical examination takes place, and if medical personnel are not specifically trained to handle rape cases, detailed questioning becomes the responsibility of the patrol officer.

Sometimes crimes are unfounded at the time of the initial report is taken. Determining that a crime is unfounded means that it must be shown that one of the elements of the crime either is not present or that it has been falsified. Medical examination is the best way to corroborate the victim's testimony that penetration occurred. However, even if there is no physical evidence that penetration occurred, this does not prove that it didn't take place. The element of lack of consent is even more difficult to prove than penetration. Someone with little experience in rape investigations would be in a poor position to make this determination. Inexperienced patrol officers should not be given the responsibility to determine if the crime occurred. There is frequent speculation that cases are falsely reported. In fact, according to the analysis of rape reports, only 15 percent of the rapes were determined to be unfounded. If there is suspicion that the rape did not occur, the determination of the authenticity of the report should be left to the investigator. Patrol officers should treat all rape cases reported to the police department as if they were authentic.

Canvass for witnesses. It is rare that there are eyewitnesses to rapes. In fact, in the analysis of police reports, eyewitnesses to the crime were present in only 8 percent of the cases. Witnesses that corroborated the identification of the assailant occurred in 17 percent of the crimes and witnesses that corroborated the victim's account of the crime or her emotional condition were found in 13 percent of the cases. This is a very low percentage of cases in which witnesses were used in the development of cases. With more effort, more witnesses could be located. In those police departments that have a policy to conduct an immediate canvass for witnesses, witnesses were identified in two to three times as many cases as those departments where this was not the policy.

Corroborating witnesses are very important in the development of rape cases, and every effort should be made at the time of the initial report to locate them. Anyone the victim talked to immediately after the rape is a potential witness. His or her testimony concerning the victim's emotional condition can be essential in corroborating lack of consent on the victim's part. If the police department tapes the initial call by the victim to the dispatcher, the use of this recording can demonstrate very clearly the emotional condition of the victim.

Patrol officers arriving at the scene should make every effort to locate witnesses as soon as possible. If the report has been delayed for some reason, it has also been found useful to go back to the same area at the same time of day or week to canvass for more witnesses. This activity requires extra work for patrol officers and close coordination with detectives. It is, however, an important way for police departments to improve their investigation of rape cases. Often, the patrol officer who knows the area is best suited to canvass effectively for witnesses.

Medical examination. The medical examination is a critical part of the rape investigation, both for the victim and for the criminal justice system. Even though there may be no obvious injuries, the victim should be examined and provided with information and assistance for the control of venereal disease and pregnancy. The medical examination is also critical for providing physical evidence for the development of the case. Corroboration of penetration can be obtained and medical evidence concerning injuries can be critical in corroborating lack of consent on the part of the victim.

Since part of the medical examination is to provide information and evidence for developing the case, and since police officers are usually the first to respond to the victim's complaint, it should be the responsibility of the criminal justice system to assist the victim in obtaining medical attention. This responsibility entails not only

providing transportation to medical facilities, but also developing procedures with medical authorities to process rape cases.

An important issue is who should actually provide the victim transportation to medical facilities. If an investigator has responded to the scene, it should be his or her responsibility to provide the transportation. This is also an excellent time for the investigator to begin developing a rapport with the victim. If no investigator responds to the scene, the patrol officer should provide the transportation. However, one problem arises when this occurs. In the interviews with patrol officers, it was found that they averaged a two-hour wait during the victim's examination. This is an inefficient use of resources, since the patrol officer is unlikely to have further involvement in the case.

If it is not possible for an investigator to respond to the scene of the crime, it is usually possible for him or her to get to the hospital and take over the case. At that time, the investigator can obtain information from the patrol officer in person and begin to develop a relationship with the victim. One of the advantages of having the investigator meet the victim at the medical facility is that the investigator is not identified with the trauma and confusion of the scene of the crime and the initial response. It is an excellent time to begin a new phase of the investigation and to help the victim develop a new perspective on her experience. Another advantage is that the sooner an investigator is involved in the case, the fresher the evidence is. This promotes a complete and well-organized investigation.

Crime scene processing. In many police departments there are specially trained personnel for processing crime scenes. In others, the investigator is responsible for the processing. It is not advisable to have patrol officers with little experience or training carry out this function. When specialists in crime scene processing are available, their activities should be directed by an investigator with experience in rape cases. Even with technical expertise in crime scene processing, these specialists may miss some important evidence that is critical and unique to rape cases. Another reason why it is important for one person to be responsible for crime scene processing is the integrity of the chain of evidence. It is good policy to keep the chain as short as possible, and one way to do this is to have one person log all evidence.

One important issue in processing a crime scene is the question of when and whether to bring the victim to the scene of the crime so that she can give the details of what occurred. This should not be a matter of department policy, but should be decided on a case-by-case basis. It would be best to have an investigator with experience in rape investigations make this decision. Some of the characteristics of the rape that are important in the decision are the location of the crime scene and the emotional condition of the victim. If the victim makes the report at the crime scene, she will probably provide information during the initial report that is useful in processing the scene. In other cases, it may be unwise to bring the victim immediately back to the scene of the crime. It may be particularly traumatic for her, especially if the investigator handles it improperly. With a sensitive, well-trained, and experienced investigator, returning to the crime scene immediately may be a way to assist the victim in dealing with her experience. On the other hand, in many cases there is little necessity to return immediately to the scene of the crime. For instance, if the attack occurred in the victim's home, it is easy to prevent disturbance of the scene either by securing the premises or obtaining cooperation from people with whom the victim lives. The option of bringing the victim back to the scene at a later time is always open and sometimes will result in minimal loss of evidence. It is also possible that the victim may be able to recall the events of the rape more completely at a later time.

There is a wide variety of physical evidence available at crime scenes, everything from weapons to fibers from the suspect's clothing imbedded in the rug.[2] Every effort should be made to collect as much physical evidence as possible, since it is relatively inexpensive to do so. The expensive part in processing a crime scene is the analysis of material collected. If the evidence is to be used to corroborate the victim's story or her lack of consent in a trial, but no one is arrested, it would also be unnecessary to process the evidence. It is important to collect as much evidence as possible, but it should be processed only when necessary for the development of the case.

Victim interviews. The interview with the victim is the most critical phase in a rape investigation. It requires a great deal of experience to know what kind of information is pertinent and important. It also requires the ability to ask questions in ways that will maintain the victim's cooperation and to obtain valid and complete information. Victim interviews are clearly most effectively performed by specialists.

Where should interviews with victims be conducted? Clearly it is more efficient for police personnel if the interviews are conducted at police headquarters. However, from the analysis of police records, it was shown that, in those jurisdictions where the police department's policy is to make the interviews convenient for victims, interviews were more often obtained, and victims were more likely to continue cooperation during the investigation of the case. Interviews are most often convenient for the victim in her home, although sometimes she may prefer to meet the investigator in someone else's home, at work, at a rape crisis center, or at police headquarters. Regardless where the interview takes place, the comfort

and privacy of the surroundings are important. Victims will be able to give more details and be more open if interviews are conducted in private.

Another important consideration is when the interview should take place. It would be preferable to conduct the interview as soon as possible, unless the victim is badly injured or has an extreme emotional reaction that prevents her from communicating well. The advantages of getting information when it is fresh in her mind may be outweighed by her inability to communicate well. Sometimes victims may feel nauseous as a result of taking oral medication to prevent pregnancy. On the whole, however, it is advantageous to interview the victim as soon as possible. It is interesting to note that the victims interviewed for this study were split, half preferring to have interviews conducted immediately, and half after two or three days.

There is some disagreement among people about who should be present at interviews. Investigators often find it distracting to have anyone other than another investigator present at the interviews. However, some victims reported that they would have preferred to have a friend or victim advocate present at the interview. The decision concerning who should be present depends to a great extent on the ability of the investigator, the victim's age, her emotional condition, or her familiarity with police and police procedures. Most people agree that interviews with child victims should not be conducted in the presence of the child's parents, unless the child is very young. They also concurred that interviews with children are done most effectively by women. Since it is sometimes advantageous to have another person present at an interview and sometimes disadvantageous, this is a matter that should not be determined by departmental policy, but should be left to the discretion of the investigator.

The use of a polygraph on victims has been the subject of much controversy. In some departments, it is a routine matter to request that the victim submit to a polygraph examination. In others, it is expressly forbidden. An advantage of the use of the polygraph is that it gives investigators more confidence in a victim's testimony if she passes the examination. A disadvantage is that when the polygraph shows discrepancies in a victim's testimony, the case is usually dropped. A negative polygraph result, however, is not sufficient reason to drop a case. There may be discrepancies in the victim's testimony even when an actual rape has occurred. The major disadvantage is that requesting the polygraph examination makes a rape victim feel that no one believes her story and damages her confidence in the investigation which may lead her to withdraw from the case. In any case, the results of the polygraph are usually not admissible in court unless stipulated by both the prosecutor and the defense attorney, which rarely happens. If there are discrepancies in the victim's story, or if it is an outright fabrication, there are other ways to determine this than using a polygraph. Very few reported rapes are false, and the use of the polygraph to uncover them is a waste of resources and is a severe deterrent to continued victim cooperation. It is recommended that polygraphs not be used on victims in the investigation of rape cases except in special circumstances, such as when there are obvious discrepancies in the victim's story. Even then, use of the polygraph should be justified in writing.

Forensic analysis. Most police departments have access to some type of crime laboratory. In order to handle rape cases, however, police administrators should be aware that there are some special requirements in the analysis of evidence. These include the capability to detect the presence of semen and sperm and to analyze pubic hair combings. If the medical facility in which the victim is examined does not have these capabilities, it is the responsibility of the police department to develop its own capability or to arrange for some shared laboratory facilities to process this kind of evidence.

Suspect identification. In approximately two-thirds of the rapes reported to the police, the identity of the rapist is unknown. In about one half of those cases, the victim does not get a good look at the assailant. Several techniques have been used in the identification of unknown assailants, including the following:

(1) previous offender files;
(2) *modus operandi* files;
(3) photo files;
(4) description files;
(5) composite pictures;
(6) area canvass;
(7) inter- and intra-departmental communications;
(8) motor vehicle information;
(9) lineups;
(10) crime analysis files;
(11) informants;
(12) stakeouts;
(13) decoys;
(14) recent arrests; and
(15) third-party reports.

Identifying an unknown assailant is time-consuming and requires the application of a high quantity of resources. It is important that the police administrator recognize this and commit resources to these activities. In too many cases, no effort at all is made to identify the unknown assailant.

Interviewing witnesses and suspects. There are some ways in which investigating rape cases is like investigating any other kind of case. Every investigator develops a personal style for conducting interviews with witnesses and suspects. One policy recommendation that resulted from interviews with experienced rape investigators is that *it is usually unnecessary to inform witnesses in the*

beginning that they are being questioned about a rape case. This procedure helps to protect the privacy of rape victims and may be useful in helping to maintain her cooperation in the investigation of the case.

Preparation for prosecution. Good preparation of a rape case for presentation to the prosecutor does not differ significantly from the preparation of any other kind of case. The more complete the investigation and documentation of all facets of it, the more likely a decision to prosecute will be made. While it may seem disadvantageous for victims to be interviewed by a prosecutor concerning the circumstances of her attack, it is necessary since the prosecutor has different objectives in conducting the interview than the investigator. One way that the transition between the police department and the prosecutor's office can be eased for the victim is to provide time for the investigator to interact with the prosecutor prior to the prosecutor's interview with the victim. The more completely the prosecutor is briefed, the more likely the interview with the victim will be conducted efficiently and with sensitivity to the victim. This is also a step in the process in which a victim advocate can be very useful.

Another way to make the transition between the police department and the prosecutor's office smooth and to increase the chance that the case is accepted for prosecution is to insure that cases are complete. One way to do this is to make the use of a checklist for filing a routine procedure. An example of such a checklist is shown below. If investigators make a policy of using such a list in preparing cases for presentation to the prosecutor, delays can be avoided and the chances of having cases prosecuted will be improved.

FILING CHECKLIST

Case Number: _____ Date: _____
Victim: _____ Defendant: _____

A. *Statements*
1. Victim
2. Patrol Officer(s)
3. Fresh-Complaint Witness
4. Defendant
5. Victim Advocate
6. Eyewitnesses
7. Corroborating Witnesses
8. Medical Personnel
9. Others

B. *Reports*
1. Initial Report Form
2. Follow-Up Reports
3. Medical Examination Form
4. Forensic Tests Reports
5. Evidence Inventory
6. Witness Roster
7. Affidavits for Warrants
8. Warrants
9. Advisement Forms (Miranda Warnings)
10. Criminal Records Reports
11. Lineup Identification Forms
12. Other Reports

C. *Exhibits*
1. Clothing of Victim
2. Clothing of Defendant
3. Diagram of Crime Scene
4. Crime Scene Pictures
5. Photographs of Victim Injuries
6. Other Physical Evidence

Summary. There are issues that can be determined by police department policy at each stage in the investigation and development of rape cases. There are some areas, however, in which decisions must be made on a case-by-case basis, and these should be left to the discretion of the investigator or other persons in charge of the investigation. Policy decisions can positively affect the outcome of cases. One general principle is to be more sensitive to the needs and desires of the victim and to develop procedures accordingly. In addition, there are some specific areas in the investigation that require greater allocation of effort. These include identifying and interviewing more witnesses, placing greater emphasis on the effective collection of physical evidence, and devoting more resources to identifying unknown suspects. Even though legally sufficient, a victim's uncorroborated testimony is not sufficient to develop a strong case.

3.3 Choosing a Response Model

Five basic response models were described at the beginning of this chapter. They were:

(1) traditional model,
(2) patrol specialist model,
(3) special unit model—investigators dispatched to initial call,
(4) special unit model—investigators called by patrol officers
(5) special unit model—traditional transition

The factors to consider in choosing among these models are numerous and complex. Among the important considerations are the number of rapes that a department handles and the amount of resources available. These factors should be balanced against the effectiveness of the investigation. Effectiveness can be measured by victim satisfaction with services, identification of the assailant, arrest of a suspect, a decision to prosecute, and the conviction of the rapist.

Role of the patrol officer. An important consideration in choosing a response model is the role that the patrol officer should play in the investigation of the case. One important fact should be kept in mind. Patrol officers usually have had very little experience in dealing with rape cases. Patrol officers interviewed for this study averaged fewer than two rape cases per year in which they participated in the initial investigation. Even if extensive training were given to police officers at the recruit level concerning handling all aspects of rape cases, officers would have little chance to exercise their skills. Frequent additional training courses would be required to

keep patrol officers knowledgeable enough to handle well all parts of the initial investigation of rape cases. Given the relatively low volume of rape cases, the required investment in training patrol officers appears unwise. The ideal alternative is to have investigators specializing in rape respond to rape calls as soon as possible and take over the investigation of the case. They should determine what functions can be carried out by patrol officers and supervise the initial investigation of the case.

If rape investigators cannot arrive at the scene of the crime without significantly delaying the initial investigation, another alternative is available. Patrol supervisors can be used in the supervision of the initial investigation. If patrol supervisors respond to all rape calls handled by their subordinates and take charge of the cases, specialized training for them would be justified.

Another alternative is to select a few patrol officers who would specialize in the initial investigation of rape cases and have them respond to rape calls as soon as possible after the local officer has arrived and determined that the complaint concerned a rape. Specialized training for patrol specialists could be justified. The use of supervisors or patrol specialists, in contrast to having an investigator respond to the initial call, means that an additional person is involved in the case. This could lead to problems of confusion in the handling of evidence, preparing written reports, and interacting with the victim. However, such problems are preferable to expecting inexperienced, poorly trained patrol officers to handle all aspects of the initial investigation.

Rape investigation specialization. Three of the response models assume that there are investigators who specialize in handling rape cases. There is one condition in which it is not possible to assign special investigators to rape cases only. In a small police department, there are simply not enough reported rapes to justify a full-time detective. In fact, most police departments in the United States don't handle enough rapes to justify a full-time rape specialist. However, even in police departments with few rape cases, there are options open which provide the benefit of specialization.

There are many obvious advantages to having specialists in rape investigations. These include the following:

(1) Rape laws are changing rapidly, and specialists can continue to be aware of new or altered rape laws in their jurisdictions.
(2) The emotional reactions of rape victims are unique and profound. Specialists learn to deal effectively with these victims.
(3) The evidentiary requirements of rape cases are unique. Specialists develop the knowledge of techniques and types of evidence that are effective in preparing rape cases.
(4) Through dealing with many rape cases, specialists are able to develop ongoing relationships with other agencies, such as rape crisis centers, medical facilities, and the prosecutor's office.
(5) Many rapes are committed by repeaters. Specialists can maintain a continuity of information concerning rape suspects.

There are two major disadvantages to specialization in rape investigations:

(1) Specialization costs more. It is a simple fact that constraints in allocating cases create less efficiency in manpower assignment.
(2) Overspecialization is a problem. In time, specialists may either become too calloused, or too involved in their cases. There are difficulties in transferring investigators.

The advantages of specialization outweigh the disadvantages. If *effectiveness* of investigations is taken into account, the increased costs of specialization are well worth their while. Problems of overspecialization are personnel problems that have solutions. In almost all police departments, specialization in rape investigations can be justified.[3]

Specialization does not necessarily mean that investigators handle all rape cases, and rape cases only. The survey of police departments conducted for this study contained questions concerning degree of specialization.[4] In most police departments where there was some specialization, investigation of rapes was combined with other crimes, such as all sexual crimes, all personal assault crimes, or with homicides. There is enough similarity between rape and other kinds of sex-related crimes that it seems unnecessary to separate them from each other. On the other hand, there are problems in combining the investigation of rape cases with a wide range of other felonies. For instance, if rape investigations are conducted by the same persons who investigate crimes such as burglary, auto theft, robbery and the like, rape is likely to be only a small part of their responsibility, since rape is so infrequent compared with those other crimes the investigators are assigned. On the other hand, if rape investigation is combined with homicide, considered the most serious felony, then rape investigations may take a second place to the more glamorous homicide investigations.

It is recommended that rape investigations be conducted by specialists and that they be combined only with other sex-related crimes. Rape is a unique *and* serious crime and it is important that investigators having responsibility for its investigation have few other responsibilities that are unrelated. They should have an opportunity to develop an expertise in the investigation of rape and other sex-related crimes.

Manpower allocation. Important policy decisions in-

clude how many investigators should be assigned to rape and their deployment. The ideal case load suggested by experienced rape investigators can be taken as a starting point. The median number of rapes per month thought to be ideal was 5.5. This is very close to the median number of rape cases actually assigned to investigators, which was 6.1. Since some investigators work on rape cases that are assigned to two investigators, it is more conservative to use a figure of four cases per month as the ideal case load for each investigator. This means that each individual investigator will handle about 50 cases per year or about one per week. It must be remembered that cases are not handled sequentially, but that several must be handled at the same time. They will also be in different stages of development. The same assailant may be the subject of a number of investigations.

It is estimated that an investigator may have five to ten cases that are actively being worked on at a time.

If there are at least 50 rapes reported annually to a police department, it would be well for that department to consider having at least one person assigned exclusively to the investigation of rape. If there are fewer than 50 rapes reported to the police department, other options are available. One is to combine the investigation of rape and sexual assault with other kinds of crimes. This is the traditional model of investigative assignment in small departments. If this is the case, then advantages of specialization can be obtained by assigning all rape investigations to one person, rather than spreading them randomly among all investigators. Another solution is to develop a consolidated rape investigation squad among a number of small, neighboring police agencies. There are, of course, potential political problems associated with this solution. However, there are other precedents for sharing resources among small police departments. Another solution that has been adopted by small departments is to turn over rape investigation to a large neighboring police department. This is a viable solution, but doesn't eliminate the necessity for the small department to work out problems of communication between its patrol officers and the investigative unit in the larger department.

Availability. Every effort should be made to have investigators available on a 24-hour basis to respond to initial rape reports. There are also advantages, as mentioned above, to having the same investigator, or investigators follow the whole case through from start to finish. Both of these facts suggest having flexible working hours for rape investigators. Three fourths of all rape reports are made between five in the afternoon and five in the morning. It would be advantageous to assign investigators to duty between those hours in order to increase the chance of being able to respond to the initial call. However, these hours are not ideal for conducting other parts of the investigation. When the number of rape investigators in the department is small, one solution to this dilemma is to have investigators on call during the high-risk hours, but have their regular assignment during those hours when investigations can best be conducted. In larger departments, it is possible to assign more investigators during the high volume hours, but they also need the flexibility to work other times to carry out effective investigations.

There should be a great deal of latitude for rape investigators to determine their own working hours. While civil service regulations, union contracts and overtime procedures may make this difficult, every effort should be made to circumvent these problems for the obvious advantages of allowing flexibility to rape investigators.

Investigative teams. Another policy issue is the use of investigative teams in rape cases. It would be ideal to have male-female teams to respond to each rape call. Most experienced rape investigators and police administrators concurred with this principle. However, the assignment of two people to each rape case is a large commitment of manpower and should be carefully considered. An important thing to consider is at what stage two people are most useful in the investigation of a rape. Two investigators are particularly useful during the initial investigation. Since there is physical evidence to process, a victim to interview, witnesses to find, and perhaps a suspect, two investigators would have sufficient work to justify their assignment. After the initial response, however, only one investigator is usually necessary. A determination should be made at this point as to which investigator will continue with the case. One important factor in this decision, of course, will be each investigator's present workload. Another factor should be the rapport developed with the victim. One investigator, whether because of sex, personality, or experience will develop more rapport with the victim and should, ideally, be assigned continued responsibility for the case.

3.4 Summary

Police administrators have many decisions relative to the investigation and development of rape cases. Some decisions can become departmental policy. However, there are many issues that should be left to the discretion of the investigator. Those decisions should be made on a case-by-case basis. It is useful to go through the rape investigation process step-by-step and make these determinations.

This chapter begins the process of considering important issues in handling rape cases. Each police department must go through this process for itself and take account of its own constraints and priorities. One recommendation that emerges from the discussion of each

stage is that specialization in rape investigation is an important improvement in the police response to rape. A number of peripheral issues arose in the discussion of procedures for the investigation of rape. These will be discussed more fully in other chapters in this manual. These include personnel problems, training, physical facilities and equipment, and interactions with other types of agencies. The remainder of this manual addresses these specific issues.

NOTES

[1] See *Forcible Rape: A Manual for Sex Crimes Investigators*, prepared by the Battelle Law and Justice Center as part of this research for the National Institute of Law Enforcement and Criminal Justice of the Law Enforcement Assistance Administration, 1977.

[2] Ibid.

[3] Other recommendations for specialization occur in *Police*, National Advisory Commission on Criminal Justice Standards and Goals, and in *Rape and its Victims: A Report for Citizens, Health Facilities, and Criminal Justice Agencies*, National Institute of Law Enforcement and Criminal Justice, November, 1975.

[4] See *Forcible Rape: A National Survey of the Response by Police*, prepared by the Battelle Law and Justice Center as part of this research for the National Institute of Law Enforcement and Criminal Justice of the Law Enforcement Assistance Administration, 1977.

CHAPTER 4. PERSONNEL

No matter how well a police department is organized, no matter how well procedures are thought out and planned, effectiveness in dealing with rape cases cannot be achieved unless personnel are well chosen and well supervised. In an area such as rape, where expertise and sensitivity are especially critical, it is important that police administrators devote thorough attention to personnel issues. In this chapter, the focus is on recruitment and supervision of police personnel involved with the investigation of rape cases.

The chapter begins with a discussion of criteria for selection of officers who specialize in rape cases. Particular attention is paid to the sex of the officer. This is followed by a discussion of the *process* of recruiting and selecting officers dealing with these crimes. Under the subject of supervision, two critical areas will be discussed. These are (1) the evaluation of rape investigators' performance and (2) issued involved in the termination of rape investigators, either through transfer or regular rotations.

4.1 Criteria for Selection

In an interview with police administrators, two general themes concerning the characteristics of effective rape investigation specialists were expressed. One was that officers should simply have the abilities of any good investigator. That is, they should be good problem-solvers, inquisitive, able to handle a number of facts at once, observant, thorough, and energetic. The second theme expressed was that rape investigation specialists should be "sensitive." Because of the importance of the interaction with victims and because of the nature of the trauma that victims experience, it is important that rape investigators have a degree of understanding and sensitivity unique to conducting rape investigations. A problem remains, however, in defining what "understanding and sensitivity" means and knowing how to recognize these qualities.

The selection of "good investigators" is a well-known problem for police administrators. Investigators are selected by a variety of methods in different departments. In some departments, written examinations are heavily weighted in the selection process. In others, performance as a uniformed patrol officer is used as the major selection criteria. In still others, combinations of oral interviews with the above are used. In some departments, unfortunately, an assignment to the investigative division is based to a large degree on favoritism and depends on whom the officer knows. All these methods of selection have obvious limitations. In the final analysis, recognizing a good investigator requires a qualitative judgment.

There are no magic methods or tests that will always pick the most qualified investigators. However, quantitative methods are useful additions to qualitative judgments. When evaluating a potential investigator, it is important that the requirements of the job are carefully thought out and defined, and that multiple measures of how closely the applicant matches these requirements be obtained.

Administrators interviewed for this study also said that rape investigators should be "sensitive and understanding." Everybody has different ideas of what these qualities are, and how they can be recognized. This is partly because there are different kinds of sensitivity. One person may be very sensitive to the moods and needs of people who are close, but entirely insensitive to people they don't know. Another person may be very sensitive to the needs of a person in depression, but not able to recognize or deal with feelings of indignation or anger. Recruiting sensitive and understanding investigators requires further definition of what those qualities mean with respect to rape investigations.

First of all, a rape investigator must be sensitive to the needs and emotions of people who are not known to him or her. Not only is the investigator unlikely to develop a close relationship to the victim of a rape, but rape victims often come from backgrounds very different from police officers. Rape victims are often younger and of a different social class than police officers. Their values and morality may be very different. Rape investigators must have the ability to understand and be sensitive to a wide variety of people.

Secondly, the kinds of emotions that rape victims experience are wide, varying from anger, to fear, to depression, to feelings of helplessness. Victims may express their emotions in a wide variety of ways. They may be sullen, silent, composed or hysterical. Rape investigators must understand and be sensitive to a wide variety of emotions. They must also be able to recognize and cope with sudden changes in emotion and unpredictable behavior. It takes great skill to communicate effectively with someone in crisis.

Both of these aspects of sensitivity require flexibility and responsiveness by rape specialists. How are people

who possess these qualities recognized? Some things to look for in prospective rape specialists are the types of activities and people with whom they interact. People with wide interests in different types of activities, and with a wide variety of types of friends and acquaintances, tend to possess the qualities of flexibility and adaptability that would suit them to be effective rape specialists. Narrowness in interests and associates should be considered a negative factor in selecting personnel as rape investigators.

Another recommendation for selecting rape investigation specialists is that they should already have some investigative experience. The advantage of choosing only from among experienced investigators is the evaluation of their investigative performance. On the other hand, assessment may be difficult from their performance in investigative assignments where qualities of sensitivity and understanding are of less importance. Previous investigative experience is an asset, but lack of it should not rule out a promising candidate.

4.2 Gender as a Criterion

Much has been written about the advantages and disadvantages of employing female police personnel, both in patrol and in investigative assignments. In recent years there has been more experience with women assigned to positions that were previously occupied only by men. It has been asserted by some that women would be much more effective in dealing with sexual assault cases. Most of the people interviewed in this study believed that the sex of the officer is not as important as the qualities and abilities they possess. Both men and women can be motivated, sensitive, and understanding. The majority of the rape victims interviewed expressed no preference concerning sex of the investigating officer. Of those who did express a preference, most preferred a woman. However, some preferred a male officer. There is no specific policy recommended other than that female officers be available, if requested. There clearly are highly competent women investigators in many departments. If a rape investigation squad is composed entirely of men, or if only men are considered for those positions, the police department should question its recruiting methods.

Many investigators interviewed for this study believed that female investigators have a clear advantage in dealing with child victims. For this reason alone, it should be a policy of the police department to have female investigators available for these cases. Compliance with fair employment acts requires that more women be hired. As women become more prevalent in patrol and investigative divisions, there will be less necessity for relaxing experience requirements in hiring female investigators. However, in some departments, it may be necessary to assign women to sexual assault investigations who have less experience than men with the same assignment.

4.3 Recruitment and Selection Procedures

Every police department has policies concerning procedures for assignment to investigative units. Civil service regulations and union contracts can severely restrict the police administrator's ability to implement the most effective procedures for assignment to rape investigations. It is important that these constraints interfere as little as possible with selection procedures. This is especially critical in assignments to sexual assault investigations. Police administrators should make every effort to limit constraints on making the most appropriate assignments.

Police administrators interviewed for this study almost unanimously endorsed a policy of making assignment to sexual assault investigations voluntary. Some advocated advertising throughout the department for openings, while others advocated asking selected individuals. The only disadvantage to advertising throughout the department is the cost in time and energy in selecting from among applicants for the job. Because of the special qualities necessary for conducting effective rape investigation, this cost may well be worthwhile.

Another method that has been successfully employed in some departments is to identify potentially effective sexual assault investigators through temporary assignments. These temporary assignments could come both from the patrol and other investigative units. This policy has two advantages. One is that performance in the assignment can be assessed and a more accurate evaluation of the potential investigator can be made. Secondly, by assigning a variety of personnel from throughout the department to sexual assaults, awareness of the problems of sexual assault can be increased on a broad scale.

Once a pool of potential investigators has been developed, the problem of selection begins. The process is determined to a large extent by the qualifications that are deemed important for assignment to the position. General investigative ability can be determined primarily from assessment of previous performance in other positions. Tests specific to rape investigation are not important. Few will have had much experience in the area of rape investigation. Answers to technical questions may reflect academic, rather than investigative abilities.

As discussed before, activities and associations outside the job should be considered important in the selection process. One way of getting this information is an essay on interests, outside contacts, and reasons for wanting the assignment, prepared by the potential investigator. Officers can be judged not only on their potential sensitivity, flexibility and understanding, but also on their ability to express themselves. Oral interviews can also be used in this portion of the selection process.

4.4 Performance Evaluation

Perhaps the most critical element in supervision is the development of a good method for the evaluation of performance. Evaluation of performance affects decisions concerning in-service training, assignments, decisions to transfer or terminate, and decisions concerning promotions and other rewards. Developing clear-cut criteria for good performance is essential to evaluation and a primary responsibility of supervisors and administrators.

What constitutes good performance of police personnel assigned to the investigation of cases of sexual assault? Much of the evaluation is similar to that for any type of investigative activity. This includes thoroughness, timeliness, and useful reporting of the investigation.

Case dispositions are good measures of investigator performance, but must be used carefully. Traditionally, records of cases cleared by arrest have been important in assessing an investigator's effictiveness. More recently, attention has been given to the percentage of arrests that are accepted for prosecution and result in conviction. All of these measures should be used with caution. Cases can be cleared on bad arrests. Prosecutions and convictions are infrequent, and are affected by many things other than the investigator's ability and performance. It is important that supervisors be sensitive to the activities of investigations rather than the outcomes of those activities. It is more difficult to measure thoroughness, timeliness, and quality of written reports than to count case dispositions, but these characteristics are more accurate reflections of an investigator's ability and performance than the more quantifiable outcomes.

In rape investigations, another critical element for performance evaluation exists. That is the ability to communicate well with victims and other people involved in the investigation of the cases. A measure of this ability is the extent to which an investigator maintains the cooperation of victims and witnesses. Since these people are critical to the investigation, the supervisor should be aware of the investigator's ability to maintain this cooperation. This ability is reflected in the number of cases that are dropped because of losing the victim's cooperation and in the number of cases that are weakened because of failure of witnesses to cooperate. On the positive side, letters and other expressions of thanks come from victims in response to what investigators do. All of these things should be monitored and kept in investigators' files.

Most departments have a probationary period for uniformed patrol officers. However, less use is made of this technique in supervising investigators. The first six months or so of an officer's assignment to sexual assault investigations is critical in the process of selecting good rape investigators. Careful attention should be paid during that time to the investigator's interactions with the victim and witnesses and the quality of his or her investigations. Technical aspects of a rape investigation can be corrected through training and counseling. If a new investigator is having little success in maintaining the cooperation of victims or complaints have been lodged against him or her, a different assignment for the investigator may be considered, since these problems are less easily corrected.

4.5 Transfers and Rotations

The decision to request a transfer is a difficult supervisory responsibility. Administrators and experienced rape investigators have reported a problem frequently encountered is that investigators may either become calloused toward rape victims or become too involved in their cases when on the assignment too long. They may also lose their initial motivation and interest in working with rape cases. Solutions to these problems include transfers or regular rotation.

Almost all police administrators interviewed for this study agreed that mandatory rotation is not a good policy. The advantage of it is that the danger of overspecialization is reduced. The major disadvantage is that it doesn't take individual differences into account. Sometimes investigators become *more* effective with more experience and the transfer of an effective investigator is wasteful. Another disadvantage of regular rotations is that such a policy may mask the necessity to transfer investigators who perform poorly. On balance, it seems that regular rotation is not a good policy and that the length of tenure for an officer specializing in rape should be determined by performance. An effective method of measuring performance is critical in making these determinations.

4.6 Summary

Personnel issues in the investigation of rape cases can be thought of in two categories. One is finding ways to recruit and select the most effective investigators. The second is the effective supervision of those investigators once they are chosen. A critical element in the selection of rape investigators, in contrast to other kinds of investigations, is finding investigators who are flexible and understanding enough to work well with a wide variety of victims and witnesses. This ability, of course, is an asset to any investigator, but it is critical in the investigation of rape. A probationary period is an excellent time to identify investigators who cannot do effective rape investigations. Transferring investigators who have become ineffective is another critical problem for supervisors of rape investigators. The key to assessing new inves-

tigators during the probationary period and in making reassignment decisions is development of a good performance evaluation system. The system must be sensitive not only to the technical aspects of a rape investigation, but also to the ability of the investigator to interact well with victims and witnesses.

CHAPTER 5. TRAINING

When a person accepts new responsibilities, experience in the new position is an important and useful source of learning. However, training is a critical supplement to experience for acquiring skill and knowledge. Training is especially important in learning to handle rape cases. Rape has been a taboo subject. Many rapes are never reported. Consequently, myths and misinformation concerning rape have developed. Police personnel are subject to the same societal influences as anyone else and are influenced by myths and misinformation. Most officers have little experience with rape cases and may be unduly influenced by their experiences with a few rapes. For these reasons, and in order to acquire technical knowledge, training is particularly critical for police personnel involved in rape cases.

Many police training programs include no curricula directed specifically to rape. This situation has changed in recent years, however. Some important issues for police administrators in designing training programs are what specific subjects should be covered, how much time should be spent on them, and who should receive the training. The answers to these questions depend to a large extent on the response model chosen for handling rape cases. For purposes of clarity, in this discussion it will be assumed that the training will be for a department that employs a special unit model with the traditional transition between patrol and detectives. In this model, patrol officers have major responsibility for handling the case. If a department uses a model where the patrol officer's role is limited, the amount of time devoted to patrol officer training would be reduced accordingly. There is, however, a core curriculum that should be given to all police officers.

5.1 Recruit Training and Core Curriculum

Basic training for patrol officers should include subjects specific to handling rape cases. It is recognized that most officers will handle very few rapes. However, because of the seriousness of the crime and the consequences of mishandling the initial investigation, it is important that attention be given specifically to rape in the basic training program. There are two general areas toward which training in rape should be directed. One is the technical skills needed to carry out investigations, such as knowledge of crime scene processing, legal issues, and forensic analysis. The other area concerns skills in interacting with people for doing things such as interviewing victims, witnesses, and suspects.

Interviews with patrol officers and sex crimes investigators included questions concerning the importance of different topics for recruit training. The topic chosen by both groups as most important was the handling of physical evidence. Evidently both patrol officers and detectives were aware of problems that develop when evidence is mishandled. Following that topic, in order of importance, were concerns in dealing with victims, that is, interviewing techniques and understanding the emotional reaction to rape.

Securing the crime scene. Even though it has been asserted in this manual that specialized personnel should be responsible for processing the crime scene, the patrol officer is likely to be the first person to arrive. The officer can make an important difference in the development of a case by securing and preserving the crime scene. Therefore, the patrol officer must have some knowledge of the kinds of physical evidence that are important in the investigation of rape cases. In the interviews with patrol officers, lack of knowledge about physical evidence in rape cases was identified as an important problem for them in handling such cases.

Details of the kinds of physical evidence that are important in rape may be found in the manuals for patrol officers and sex crimes investigators prepared for this study. They can serve as source documents in the training program. It has often been found useful to use experienced rape investigators as instructors in this part of the training. They are most sensitive to problems resulting from disturbed crime scenes.

Immediate victim needs. Meeting the immediate emotional needs of a victim may require nothing more than the presence of someone to allay fear of further attack and guarantee safety and protection. It may also entail dealing with a very distraught victim. Patrol officers are not expected to be counselors, nor are they expected to ignore the immediate potential for crisis intervention in cases of rape.

Training for patrol officers should include a description of the rape trauma syndrome in order to sensitize them to the range of emotions they can be expected to encounter in their initial contact with the victim. Role-playing the initial contact with the victim is a useful way to help patrol officers understand some of the important issues in developing communication with someone in crisis. A limited amount can be taught in lectures and reading, but the ability to conduct good interviews de-

velops primarily through practice. One way to simulate this practice is role-playing.

The use of role-playing can be intimidating. It is sometimes linked in people's minds to sensitivity training and group methods of conducting therapy. Role-playing interviews should not be presented as a method of therapy or as a way to change values or beliefs. A role-play is simply a *practice interview* and should be presented as such.

Practice interviews are conducted in front of other trainees and a person or persons with experience in critiquing interviews. Victims should be played by people experienced in role-playing, using events from an actual rape case. All observers of the practice interview should be encouraged to give feedback to the interviewer. It is important to emphasize the positive as well as the negative aspects of the interview. Many police officers who initially didn't want to participate in such activities have found them a useful and even enjoyable experience. Their inclusion is well worth the investment of time and effort.

Patrol officers were particularly interested in getting information and training in how to deal with adolescent and child victims. Even though they are unlikely to have to deal with many child or adolescent victims of sexual assault, the added difficulties of doing so justifies spending some time on these issues.

In order to counteract some of the biases that recruits may have concerning sexual assaults in general, factual data concerning the crime should be presented. They should know the circumstances preceding the crime, the kinds of relationships existing between victims and offenders, the kinds of resistance used, the kinds of injuries received, and the ways in which force or threat of force are used.

Canvassing for witnesses. The importance of canvassing for witnesses cannot be overstated. In preparing this section of a training package for patrol officers, several examples in which witnesses are critical to the development of a case can be used to illustrate the importance of these activities. For example:

- the witness who talked with the victim shortly after the rape and can testify that she was very upset.
- the witness who has seen and can identify a strange car cruising the neighborhood in which the victim lives.
- the witness who heard screams to corroborate the victim's testimony that she resisted.

The importance of finding witnesses who corroborate lack of consent as well as witnesses who provide information for identification should be stressed. Patrol officers should be instructed that it is often unnecessary to tell witnesses what type of investigation is being conducted so that the privacy of the victim is protected.

Preparing an initial report. One common complaint of rape investigators is that initial reports prepared by patrol officers are inadequate. This complaint, of course, does not apply only to rape cases, but is heard in connection with all kinds of cases. One of the ways to resolve this problem in rape cases is to allow time for personal contact between the patrol officer and the investigator by having the investigator respond as soon as possible to the call. This would allow time for the investigator to talk with the patrol officer before he or she leaves the scene.

Even when there is time for personal contact, written reports are important. Just as with all other types of reports, they should be a focus of the training program. One of the things that should be covered thoroughly concerning rape reports is the need for a description of the victim's physical and emotional condition. It should be pointed out that this description can be used later to corroborate her assertion of lack of consent. In addition, a description of witnesses and the importance of their testimony is an important element needed in the report.

Patrol officers should be instructed on departmental policy concerning information on specific sexual acts. This information should be gathered by medical personnel and rape investigators, unless it is the department's policy to do otherwise. If patrol officers are to collect information on specific sexual acts, they should be made aware of victim concerns with that type of questioning.

Medical examination. Providing transportation for the victim to medical facilities may be thought of as a mundane task by the patrol officer. The act of driving her there is not critical in itself. However, the importance of the medical examination should be emphasized in the patrol officers' training program. They should be informed of the significance of gathering medical evidence for further development of the case. They should be aware of the necessity to care for emotional and physical needs of the victim that may not be immediately evident to them.

Guidelines and protocol for conducting medical examinations of rape victims should be developed with personnel at the appropriate medical facility. Police personnel responsible for the initial investigation should have a thorough knowledge of the kinds of medical evidence useful in developing the case and in the kinds of information victims should receive and treatment they should have dealing with possible venereal disease or pregnancy. It is recommended that personnel from the crime laboratory and the medical facility be involved in this aspect of the training.

Legal requirements for rape. In order to determine what kind of criminal charge to make, the person responsible for the initial investigation of the rape must understand the legal requirements for rape in the local jurisdiction. Statutes vary widely from state to state and

are also in the process of change. Officers' knowledge needs frequent updating. In many jurisdictions, there are different degrees of rape that can be charged, and the differences among them can be subtle. Officers should also be made aware of sexual assault charges related to rape, such as sodomy, indecent liberties, statutory rape, and the like. Someone from the prosecutor's office should be involved in this aspect of training.

At some point in training recruits concerning rape cases, there should be a discussion about unfounding cases. Cases are to be unfounded only when it is determined that one of the elements of the crime does not exist, or has been falsified. Unfounded cases are uncommon. Only 15 percent of the cases analysed for this study were unfounded and some of them were classified as such because the victim declined to continue cooperating or could not be located; not because it was shown that an element of the crime did not exist.

Deciding that a report is unfounded is a very difficult and sensitive determination. The consequences of mistakenly unfounding a case can have serious consequences for the safety of the victim and for other women. Any doubt expressed by the investigator can make the victim think that her story is not believed. The person responsible for making this determination must understand that victims sometimes react in unpredictable and even bizarre ways. They must also understand that victims often blame themselves for their attack, and that they need reassurance that they are not responsible for someone else's violent and illegal behavior. Making these determinations requires a great deal of experience. In addition, knowledge of the victim's emotional reactions to being raped is important. It also requires an understanding of the biases and prejudices that exist in general in our society against rape victims. A thorough study of rape from the psychological, sociological, feminist, legal, and cultural viewpoints is necessary for those responsible for the investigation of rapes.

5.2 In-Service Training

Many police departments have regular, mandatory in-service training courses for patrol officers. They are intended to add to the skills of experienced officers. However, very few police departments include curricula addressed specifically to rape in the in-service programs. Since patrol officers come into contact with so few rape cases as a part of their job, it is important that they receive periodic refresher training specific to rape.

In the interviews conducted with experienced patrol officers for this study, they were asked what kinds of training they thought particularly important for them. Although a wide range of topics were mentioned, the emphasis was on dealing with victims. They were most interested in learning techniques to interview rape victims and how to attend to their emotional needs. They were particularly concerned with child victims.

In-service training curricula should cover the same topics as recruit training. It is important, however, to note that officers who have had experience handling rape cases found that dealing with victims was harder for them than the more technical aspects of handling rape cases. Stress should be placed on practice interviews and topics concerning special victims such as children and adolescents.

5.3 Training for Newly Assigned Sex Crimes Investigators

The most thorough training program of all should be given to newly assigned sex crimes investigators. Even if they have had recruit and in-service training designed for patrol officers, it is important that they receive more intensive training either before their assignment, or early in their tenure on a sex crimes unit. In interviews with sex crimes investigators, almost all topics were rated as "very important" for a training program. There was especial concern about crime scene processing and the law on rape. They expressed an almost equally high concern for issues dealing with rape victims. A few training needs beyond the core curriculum were also identified.

Processing the crime scene. Even if the person responsible for the investigation doesn't do the actual processing of the crime scene, it is important that he or she understand what kinds of physical evidence are particularly important in the development of rape cases. When evidence technicians are sent to the scene, the person responsible for the initial investigation will be coordinating the efforts and needs a thorough understanding of these issues. Someone from the crime laboratory should be involved in this part of the training. They must sensitize investigators to the costliness and effectiveness of various aspects of processing physical evidence.

Training in crime scene processing should include discussions of the types of evidence that have proven particularly effective in rape cases. For instance, detection of seminal stains is important to help corroborate the fact that sexual activity took place. Seminal stains can also help in identifying the suspect. About 80 percent of all men are secretors. That is, their blood type can be determined from an analysis of their semen or saliva. Photographs of the scene of the rape can be important in corroborating the victim's lack of consent. Because of the nature of rape, it is likely that personal effects of the rapist may be left at the scene. Since many rapes do not take place where the assailant first made contact with the victim, it is important to make investigators aware of other places to search for evidence, such as vehicles, the

path of travel, and the area surrounding the scene of the rape. In many respects, crime scene processing in rape cases is similar to other cases. However, it is important to stress that there are unique kinds of evidence to be considered in rape cases.

Identifying the suspect. Unless the suspect is known by the victim or has been apprehended at the scene, one of the responsibilities of the person doing the initial investigation of the case will be to identify the suspect. A knowledge of the *modus operandi* and characteristics of rapists is important at this stage of the investigation. Experienced rape investigators identified this knowledge as one of the important areas to cover in their training.

The use of various techniques for identifying a pool of suspects should be covered thoroughly. The development and use of *modus operandi* files should receive attention. Investigators should learn the best ways to present photographs of previous offenders to victims. Experienced rape investigators should share their techniques for interrogating suspects with newly assigned investigators. The use of patrol officers in the identification of potential suspects should also be covered. It is particularly important to involve experienced rape investigators at this stage of the training.

Preparation for prosecution. Rape is the only crime in which the prosecution must prove lack of consent by the victim. Techniques for proving lack of consent are critical in training rape investigators. Almost 80 percent of the experienced rape investigators interviewed for this project said that this would be a "very important" part of the training they would like to have. The training should cover all of the kinds of physical evidence, medical evidence, and testimonial evidence that can be used to prove lack of consent.

Preparation of cases for prosecution requires an understanding of the constraints and requirements of the prosecutor's office. In training investigators, a review of cases that have been declined for prosecution is a good way to get at some of the issues in preparing good cases for presentation. It is important that the prosecutor's office be involved in this part of the training.

If a checklist for preparing cases for filing is adopted, this part of the training should contain discussion of all the elements of that checklist. (See page 12).

Preparation of the investigator for duties in judicial proceedings during prosecution is much the same as for any other kind of case. Visiting actual trials of rape cases and holding mock trials are excellent ways to prepare investigators for this aspect of their responsibility.

5.4 Experienced Sex Crimes Investigator Training

Experienced sex crimes investigators could benefit from periodic refresher courses on all the aspects of rape investigations. It may, however, be difficult to motivate them to involve themselves deeply in such training. One way to accomplish the same thing is to involve them as much as possible in training recruits and providing in-service training for patrol officers and new sex crimes investigators. They could learn a lot during the process of preparing to teach about sex crimes investigations.

One area in which experienced sex crimes detectives want more training is in advanced forensic analysis of evidence collected for rape cases. They are interested in serology and other advanced methods of analysing physical evidence. Offering such advanced training can be an effective way of motivating investigators who may have lost their initial enthusiasm.

5.5 Other Issues in Training

It is important to involve a wide variety of people as instructors in training. Rape investigations involve interactions with many agencies outside the police department, including hospitals, victim service agencies, and the prosecutor's office. Involving people from these offices can accomplish three things: (1) bring in needed outside expertise, (2) make police officers aware of the objectives and constraints of the other agencies, and (3) promote the development of relationships between police officers and the people they will have to work with in the investigation of cases.

Training programs should remain flexible and respond to changing needs of personnel in the police department. It is important to develop ongoing evaluation of the effectiveness of the training. This can be done directly through asking people who have been through a training program to evaluate it, or indirectly by measuring changes in performance. Training programs should evolve as new needs arise. In order to do so, realistic feedback is necessary.

5.6 Summary

Because of the uniqueness of rape cases, special training concerning them is justified at all levels, including at the level of the patrol officer. It is the administrator's responsibility to determine how much emphasis should be placed on rape at each level. If the responsibility of patrol officers in rape cases is limited, it follows that the training they receive does not need to be as complete as that received by those who continue with the case. Emphasis in training should be on new sex crimes investigations.

CHAPTER 6. FACILITIES AND EQUIPMENT

Personnel costs consume the greatest portion of the budget in police departments. Decisions concerning physical facilities and equipment, while of lesser monetary significance, are important in influencing the effectiveness of rape investigations. Decisions concerning facilities and equipment fall into three categories: physical layout, evidence-gathering equipment, and information storage and retrieval systems.

6.1 Physical Layout

The physical layout in which interviews with victims, witnesses and suspects take place can be an important determinant of the success of a rape investigation. The important issues are protecting the privacy of those being interviewed, maximizing the quality of the information that is obtained, and coordinating with other people and divisions of the police department involved in the investigation.

Location. Some police departments have located a rape investigation unit separate from other investigative branches. Sometimes, the location is in an entirely different building from other police activities. One advantage of this arrangement is that it increases the willingness of victims and witnesses to come to the police department for interviews. For people who have had little contact with a police department, appearing at police headquarters can be threatening. Another advantage is that a separate location helps to protect the privacy of victims. The disadvantage of a separate location is the maintenance of separate facilities. Another problem is coordinating activities with other branches of the police department. For instance, patrol supervisors are less available, lineup facilities may be located elsewhere, and the property room will be separately located. However, these coordination problems can be dealt with and it may be worth the extra costs to maintain the cooperation of victims and witnesses. If a police department decides against maintaining separate facilities, special areas can be designated. Alterations in structure and traffic patterns within the facility can maximize aspects of separateness.

Waiting rooms. Particularly in large police departments, police headquarters is a busy and confusing place for people who have never been there before. If victims or witnesses are forced to wait in busy halls or large rooms with many people waiting for different kinds of service, it could prove detrimental to their continued cooperation. It is important that victims and witnesses wait in private places. This can be accomplished in several ways, such as the use of interviewing rooms as waiting facilities or by partitioning of available open space.

Interview rooms. It is important, both for the privacy of victims and witnesses and the quality of information obtained, that interviews be conducted in private places. Rooms should be soundproof. They can be decorated inexpensively in ways that will make them more comfortable. Ideally, the rooms should be carpeted and have comfortable chairs. Lighting should be warm rather than harsh or glaring. It is important to maintain an informal atmosphere. Since the costs for providing rooms such as these is very small compared with personnel costs, the improvement in cooperation of victims and witnesses would be well worth the expense.

Regardless of the effect on outcomes of cases, preservation of the victim's privacy is an important consideration. One victim who decides against further participation in an investigation means that all of the time expended by the investigator and other police personnel is wasted. A few lost cases due to inadequate facilities can waste a great deal of money. The money wasted would be far in excess of that required for proper facilities.

Proximity to other agencies. For the purposes of consideration and convenience, police facilities should be close to other involved agencies. Proximity to medical, counseling, and other such facilities is desirable. Although many times this decision is beyond the police administrator's influence, distances should be minimized where possible. This can often be accomplished by interagency planning. Agencies may establish outreach modes where they come to the victim, rather than the reverse.

Lineup facilities. Good lineup facilities for rape are like good lineup facilities for any type of investigation, except that protection of the privacy of the victim is of special concern. Victims often express a fear that suspects in the lineup will be able to see them. Lineup facilities should be designed so that this fear is minimized. In addition, lineup facilities and procedures should provide privacy for the victim from others viewing the lineup.

6.2 Evidence-Gathering Equipment

Many of the kinds of equipment for gathering evidence in rape cases are the same as that for any investigation. There are a few kinds of equipment that are particularly useful in rape cases and should be considered for purchase by any police department.

Rape kits. Kits have been prepared and are commercially available for the collection of physical evidence from the victim such as vaginal swabs, pubic hair combings, and the like.[1] Police departments report general satisfaction with such equipment. They ensure that a complete medical record is obtained and facilitate the legal requirements in the orderly handling of physical evidence.

Photographic equipment. Color photographs of victim injuries and details of the crime scene are effective methods of preserving evidence. They are very useful at the time of trial after the victim has recovered from her injuries and after fresh evidence at the scene of the crime has been destroyed. They can very effectively communicate to a jury the violence of the crime. When compared with the costs of the personnel involved in a rape investigation, the costs of purchasing and maintaining good color photographic equipment is small considering its potential usefulness.

Other equipment. One item that has been found useful in some police departments is a small refrigerator to maintain evidence such as seminal, blood, and saliva samples or other perishable evidence. Being able to maintain these kinds of evidence in a secure location can facilitate the integrity of the chain of evidence. Another important piece of equipment is a portable ultra-violet light (Wood's Lamp). Semen is fluorescent, and such a light can readily detect evidence of ejaculation. To summarize, the cost of equipment is so small compared with other costs in conducting a rape investigation, that anything that can facilitate the collection and preservation of evidence should be considered seriously.

6.3 Information Storage and Retrieval

The effective collection and utilization of information concerning rape cases is important to the solution of crimes and the development of good cases for trial. Although a suspect's name is known in almost half of the rape cases reported to the police, identifying an unknown suspect is an important activity in the investigation of rapes. The effective storage and retrieval of information requires investment and, thus, allocation of resources to this activity should be a concern of the police administrator. One principle in guiding decisions concerning information systems is that the collection and storage of information is only as good as the methods for retrieving it. Information that is collected and cannot be used might as well not be collected.

Modus operandi files. M.O. files are standard procedure in most police departments. Theoretically, criminals repeat many of their activities in the commission of their crimes. Therefore, it should be possible to identify them through these signs. The difficulty in preparing M.O. files is to index them in ways that make identification possible. Some departments have experimented with computerized M.O. files, but there has been little general success with this method. However, computerized files covering large areas have been successful for identifying rapists who move around. Before considering a computerized system, it is advisable that a police department first experiment with manual methods. If a successful method is found, then it should be considered for transfer to a computer.

Usually M.O. information is retained in the memories of investigators responsible for rape cases. One of the advantages of specialized rape investigations is that investigators develop a knowledge of potential suspects. If M.O. files are to be kept, it is important that they be designed and maintained by people experienced in sex crimes investigations. Crime analysis information developed for all types of criminals usually is not very effective for identifying rapists.

Mug shots. Very frequently, rapists are multiple offenders. If they haven't been arrested for rape, they have likely been arrested for some other violent offense. Mug shots are used almost universally to assist victims in identifying their assailant. Color photographs of known offenders should be maintained by those responsible for the investigation of rape cases. These should be shared with neighboring police agencies.

When presenting photos to victims for identification, it is most efficent to present only ones that fit the general description of the offender. It is worthwhile to invest time in indexing the photographs so that those with common characteristics can be selected easily. It is also worth considering having one person responsible for indexing mug shots and M.O. files so that a continuity of indexing schemes is maintained.

Sketches and identi-kits. Most of the investigators surveyed for this study had used either sketches or identikits, but not both, so it is difficult to make a comparison of their value. However, it is clear that the use of either is only as good as the expertise of the person employing them. If they are used at all, they should be used by people well-trained and experienced in their use.

6.4 Summary

In making decisions concerning allocating resources to the purchase of facilities and equipment, the police administrator should always bear in mind that the relative cost of these items is small compared with resources allocated to personnel. Any small investment that would help maintain victim or witness cooperation, contribute to the identification of an unknown assailant, or preserve useful evidence may offset the costs incurred when police personnel waste time in fruitless investigations.

NOTES

[1] Information regarding "rape kits" may be obtained from the Southwestern Institute of Forensic Sciences, 5230 Medical Center Drive, Dallas, Texas, 75235.

CHAPTER 7. INTERACTIONS WITH NON-POLICE AGENCIES

The investigation and development of a rape case requires interaction with a number of agencies outside of the police department. From the victim's viewpoint it is important that these interactions are well thought-out so that confusion and inconvenience to her can be minimized. From the police department's point of view, effective cooperation with these agencies is important to the development and investigation of rape cases and the ultimate disposition of the case. The goals of all these agencies are different, but there are areas of overlap that can be used to develop mutual cooperation and sharing of information and resources.

7.1 Victim Service Agencies

A number of agencies have developed and grown that have as their major purpose the emotional support of the victim, both immediately after the attack, and sometimes on a long-term basis. In pursuing their goals, they function as advocates for the victim and sometimes can be seen as adversaries of the police department. In fact, there are ways in which each agency can facilitate the other agency in reaching its goals, and mutual cooperation is an important objective of both kinds of agencies.

Administrative location. Some victim counseling services have been located administratively in the police department, the prosecutor's office, or in medical facilities. Others have been entirely independent of criminal justice or medical organizations. The advantages of having the victim service unit located in criminal justice agencies is that closer liaison between the counselors and the criminal justice personnel can be maintained. More information sharing is likely and the victim is less likely to experience confusion resulting from dealing with disparate agencies. The disadvantage of locating counseling agencies within the criminal justice system is that victims who do not want to report their attack to the police will be less likely to avail themselves of their service. Counselors may be seen as an arm of the police department and their advocacy role would be jeopardized.

The advantage of having independent counseling facilities is that the victim's needs are the primary concern of these agencies. If one of the victim's desires is reporting the attack, the counselors can assist her in making these reports and serve as advocates as she goes through the criminal justice process. When the victim service organization is located in medical facilities, some balance between these two alternatives is achieved. A wider variety of victims may be willing to avail themselves of the counseling services, and their medical needs will be met better.

There are advantages to each type of administrative location of victim services. Even if the police administrator has little input concerning where these services are located, it is important to capitalize on the benefits of each when determining police policy regarding interaction with these agencies.

Types of counselor involvement. Victims may call the victim service agency before reporting a rape to the police. One of the functions of the victim service agency is helping the victim decide whether or not to report. It is important that the police department recognize that it is the victim's choice whether or not to report. Police should work with members of the victim counseling agency in order to understand why victims decide not to report. This can be an important source of information and help guide police department policy.

In other cases, police call in victim counselors at the time of the initial report or soon after. Police officers are not expected to be counselors, and the victim service agency can provide a useful service in helping the police department deal with victims. On the other hand, a policy of always calling in a victim counselor has disadvantages. One is that some victims may not want to work with the counselors. Another is that it may lead some police officers to abdicate their responsibilities in dealing with the victim. In general, however, it would be advantageous for a police department to work out a procedure in which they can call in a counselor in cases where the victim requests it.

Counselors may serve as advocates for victims throughout their contact with the criminal justice system. Because of this continued involvement, they can contribute to a great extent to the continued cooperation of the victim. They can also serve as witnesses if a trial takes place. There are many advantages to the development of mutual cooperation between victim counselors and police personnel.

Mutual training. One way to foster cooperation is mutual training. Victim counselors can participate in the training of patrol officers and rape investigators. They can be particularly useful in training police officers in interviewing techniques and in sensitizing trainees to some of the broader aspects of rape. Because of their experience with rape victims, they can effectively discuss the emotional reactions to rape.

Police personnel should be encouraged to participate in the training of volunteers and other personnel who work in a victim counseling agency. It is important that they understand the criminal justice system and that they be aware of the constraints and responsibilities of the police department in rape cases.

Third-party reports. One function of victim counseling services has been the preparation of third-party reports. These are reports in which the victim does not wish to be identified, but provides identification information on suspects that may be useful in other cases. The use of these reports has not met with great success. However, the program is inexpensive and the solution of one case may well be worth the effort.

Victim handout. Another function of victim service groups has been helping the victim cope with problems associated with the criminal justice system. Going through the whole process may be a bewildering experience for the rape victim. A victim counselor who understands the system can be very helpful in this regard. Some police departments have supplemented this service by providing victims with a handout describing the criminal justice system and its process. As a part of the present study, a prototype victim handout has been prepared. It is recommended that police departments consider this handout with all victims who report a rape.

7.2 Medical Facilities

Although relationships with medical facilities have improved in recent years, there is a common list of complaints between medical personnel and police. These include the inexperience of medical personnel, reluctance to become involved in rape cases, the rotation of hospital staffs, long waiting periods, and insensitivity to victims. Police administrators should address these problems at a policy level with hospital administrators and staff. The solution to the problem lies in mutual training, the development of protocols, and mutual respect for the constraints within which each agency must operate.

Centralization. Many jurisdictions have designated specific medical facilities to handle rape cases. The advantages of centralization include simplifying the problems of coordination, reducing confusion for the victim, and the development of personal relationships between medical and police personnel. The disadvantages of centralization are the inaccessibility of one medical facility to an entire jurisdiction when one facility is overloaded. The advantages of centralization seem to outweigh the disadvantages, since most jurisdictions with one centralized facility report satisfaction with this arrangement.

Transportation of the victim. It has already been suggested that police personnel be responsible for the transportation of the victim to medical facilities. This is a time-consuming process for the police, but the time can be put to good use. A pre-examination conference with medical personnel is desirable in guiding the examination. They can be briefed on the circumstances of the crime and specifically on the types of injuries and possible locations of evidence of ejaculation, if known to the police. When medical personnel are involved in frequent conferences such as this, they will develop the expertise and provide the best medical service to victims. Police personnel can also serve as advocates for victims, insuring they receive prompt and sensitive treatment.

Medical protocol. It is advisable that the police department and the medical facility develop a protocol for rape examinations. It should take into account the medical requirements of the victim and the needs for physical evidence. A good example of a form for a victim's medical examination may be found in the appendix to this chapter. Medical staffs, especially in emergency rooms, are frequently rotated so it is important that written procedures be established. Because of the rotation, the development of experience in dealing with rape cases cannot be relied upon. The protocol should cover all of the physical evidence that is needed for the development of the case. Additionally, types of information and treatment that victims should receive for injuries and possible pregnancy or venereal disease should be provided.

Chain of evidence. It is important to impress on medical personnel the legal requirements for maintaining the integrity of the chain of evidence. Procedures should be developed for who handles the evidence, where it is stored, who has access to the storage place, how long the evidence should stay there, who is authorized to transport it and what to do with evidence that is not removed or transported.

Medical witnesses. One of the reasons that medical personnel reluctantly become involved in rape cases is the inconvenience of court appearance. This is a real problem, since appearance at trial can be time-consuming for a busy physician. Another problem is that many medical personnel who treat rape victims are on temporary assignment and may later be transferred or move elsewhere and be unavailable for trial. Working with the prosecutor's office, every effort should be made to develop procedures for obtaining depositions concerning medical evidence or in forms other than personal appearances.

Medical specialists in rape. One solution to these problems has been tried in a few jurisdictions. This is the employment of personnel specializing in conducting rape examinations. Nurse-practitioners have been used in this capacity. In many jurisdictions it is financially and procedurally feasible to employ a full-time, on-call medical person. This has the advantage of insuring a knowledge of the requirements in rape examinations, developing

experience in dealing with victims, and the willingness and availability for court proceedings. Some would say that the disadvantage of such a system is that medical personnel other than physicians, would be unable to provide treatment for serious injuries. Serious injuries are very rare in rape cases and, when they occur, some other procedure could be followed. It is also recognized that only the largest jurisdictions could support the services of a full-time, on-call person.

7.3 Prosecutor's Office

Communication between the police department and the prosecutor's office is essential in any criminal case. Although most police and prosecutor respondents in this study report good to excellent relationships between the agencies, a number of common complaints have been expressed. These include poor preparation of cases on the part of the police department and decisions by prosecutors declining prosecution or plea bargaining cases without consulting the police agency. There are a number of ways improvements in these relationships can be achieved.

Liaison person. One effective technique used in some jurisdictions is the use of a liaison person whose responsibility is communication between the prosecutor's office and the police department. The liaison person may be an assistant prosecutor or an investigator. Some jurisdictions can afford a full-time person for this function. It is the responsibility of that person to work out problems between the two agencies and promote interchanges of ideas. This person can consult on legal and investigatory problems in cases before the filing decision occurs. Because of the irregular hours investigators work and the heavy demands on prosecutors, conflicts in scheduling can create difficulties. A liaison person can help ease these conflicts.

Investigators in the prosecutor's office. Some prosecutor's offices regularly employ their own investigators. Unless the police department turns over complete investigative responsibility to the prosecutor's office, the sharing of investigations between the two offices can lead to confusion and conflict. This can occur both in the development of the case and in interactions with the victim. One cooperative method used by small police departments in the investigation of rape cases is through the prosecutor's office. When a number of small departments find support of an investigative specialist infeasible in their own agency, they may find it effective to have the investigations conducted by investigators in the prosecutor's office.

Prosecutor specialization. Just as there are advantages in having specialists in rape investigations in a police department, some prosecutors' offices have taken advantage of specialization in their own offices. This should be encouraged by the police department, since it will help lead to better interaction between the police and the prosecutor's office. With the same people working together over time, the development of better understanding and coordination is possible.

Interactions with the victim. One of the problems that victims experience is the transition between the police department and the prosecutor's office. A victim may be required to repeat her whole story concerning the attack and be questioned again concerning the veracity of her complaint. Many victims drop out of cases at this stage. It is partly the police administrator's responsibility to alleviate problems during this transition period. One way is ensuring that prosecutors and investigators interact on the case before the prosecutor interviews the victim. The investigator should be encouraged and given organizational support for continuing the case throughout the prosecution. One advantage in continuing teamwork between the prosecutor and the investigator is that is makes the victim's experience less confusing and distressing. It also means that the investigator can continue his or her input into the development of the case. The disadvantage is that it takes investigator time. There is also the possibility that conflicts between the investigator and prosecutor can be time consuming. On the other hand, the time that it takes the investigator may be well worthwhile, since it makes him or her aware of the requirements for good case development. It also serves as a method of training. Problems in interactions between prosecutors and investigators will occur, but they should be addressed rather than ignored.

Mutual training and sensitization. If a close working relationship between investigators and prosecutors is encouraged and supported by both agencies, the ongoing relationships serve as an informal method of mutual training and sensitization. Including prosecutors in *formal* police training will enhance their communication as well as elevate the quality of the training. Opportunities should also be provided for periodic meetings among investigators and prosecutors. These meetings will provide time for information sharing and problem solving.

7.4 Summary

Other agencies such as victim service groups, medical facilities, and the prosecutor's office are essential in the development of rape cases. The police administrator should support and participate in the development of policies that encompass all groups working for common goals. It is important that the police administrator encourage and support personal interactions between police and personnel from other agencies. This can be done in formal training sessions, general discussions, and through interactions on specific cases.

ASSAULT VICTIM MEDICAL REPORT

Form A
Patient Interview Form

Please type or print all information clearly.
For explanation of each item, see corresponding number in associated protocol.

This report may be completed by any licensed or certified health professional.

---

1. Date of Interview _____ **2. Time of Interview** _____

3. Patient name _____ (Last) _____ (First) **4. Medical file no.** _____

5. Patient birth date _____ **6. Patient Sex** _____ **7. Phone** _____

8. Patient address _____ **Zip** _____

Permission for Interview, Examination and Release of Information

Permission is hereby granted to the medical staff of:

9. Hospital/Clinic/Private Doctor Name _____

10. Address _____

☐ **To perform a medical interview and a physical examination as may be necessary on the person of** _____

☐ **To release the results of this examination and laboratory specimens and clothing to the proper legal authorities.**

11. Patient signature _____ **12. Date** _____

13. Or Parent/Guardian signature _____ **14. Relation** _____

15. Witness signature _____ **16. Date** _____

---

16. Patient's description of assault (Record in patient's words. Include all spontaneous utterances).

17. Date of assault _____ **18. Time of assault** _____

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19. Note indication of pain in patient's own words:

20. Check pain and symptoms mentioned:

_____ skeletal muscular pain	_____ headache	_____ tenesmus
_____ abdominal pain	_____ bleeding	_____ dysuria
_____ pelvic pain	_____ discharge	_____ other

21. Has there been recent treatment of any disorder?

_____ No _____ Yes Describe _____

22. Has there been any cleansing since the assault?

_____ No _____ Yes Describe _____

23. (Vaginal assault only) LNMP _____

24. (Vaginal assault only) Date of last previous coitus before assault _____

25. Additional remarks:

I understand that the law considers the examining licensed or certified health professional as an eye witness in the body of events surrounding a potential crime. What a patient/victim says to medical staff may be admissable as an exception to the hearsay rule, and these statements may be important in determining the truth before a judge or jury. I agree to preserve these statements as part of this patient's history.

26. Interviewer signature _____

27. Interviewer name _____ 28. Title _____

29. (If known) Termination date of this employment _____

30. Interviewer fluent in English _____ Yes _____ No

1st Copy - Medical Records 2nd Copy - Police 3rd Copy - Patient 4th Copy - Prosecutor

ASSAULT VICTIM MEDICAL REPORT

Form B
Patient Examination Form

Please type or print all information clearly.
For explanation of each item, see corresponding number in associated protocol.
This examination and report may be completed by any licensed or certified health professional.

---

31. Date of examination _____ **32. Time of Examination** _____

33. Patient Name _____ **34. Medical File No.** _____
Last First

---

35. Appearance of patient's clothing: (Check if yes)

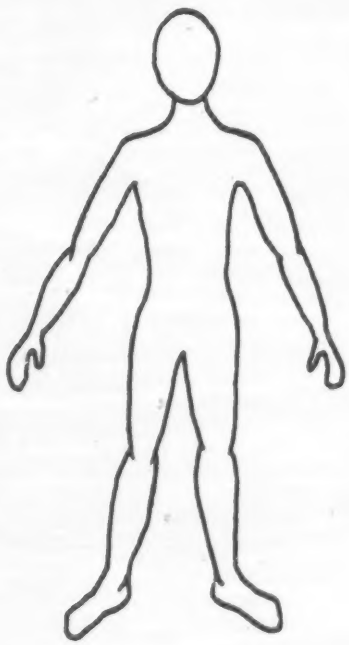
_____ Missing	_____ Soiled or muddy	_____ Leaves, grass embedded
_____ Torn	_____ Damp or wet	_____ Other as described
_____ Soiled	_____ Blood Stains	_____

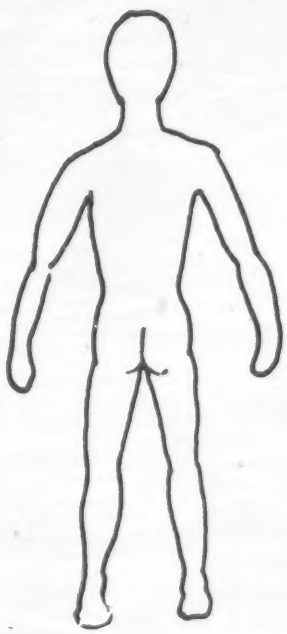
36. Patient changed clothing between assault and arrival at examination?

____ Yes ____ No

37. Itemize clothing placed in containers separately and tagged for evidence:

38. Describe presence of trauma to skin of entire body. Indicate location using chart. Describe exact appearance and size. Indicate possible source such as teeth, cigarette.





39. Itemize photos or X-rays of patient:

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40. **Describe external perineal or genito pelvic trauma:**

41. **Describe internal trauma (Speculum and bimanual examination):**

_____ **Lacerations present, Describe:**

42. **Is there discharge?** ____ **No** ____ **Yes** **Describe:**

43. **Checklist of symptoms of extreme mental trauma:**

- ☐ **Patient seems extremely quiet, passive, withdrawn, unresponsive - shows little emotion at all.**
- ☐ **Patient says little or nothing; seems unable to talk.**
- ☐ **Patient cries loudly and continually in a hysterical fashion.**
- ☐ **Patient laughs, jokes with those around - incongruously lighthearted.**
- ☐ **Patient expresses fear that his/her body was broken, permanently damaged or changed in some way.**
- ☐ **Patient exhibits serious breaks with reality, e.g. sensory, auditory or visual hallucinations.**
- ☐ **Patient expresses fears of falling apart, going crazy, disappearing.**
- ☐ **Patient refuses to leave the facility.**
- ☐ **Patient expresses suicidal ideation.**
- ☐ **Other**_____

_____

1 st Copy - Medical Records 2 nd Copy - Police 3rd Copy - Patient 4th Copy - Prosecutor

44. Immediate Laboratory Examination of wet mount slide: (List source affected area and check result).

List Source Areas	Sperm Present	Sperm Absent	Sperm Motile	Sperm Nonmotile

45. Signature of Legal Authority receiving this information, clothing and the following specimens: _____

46. ☐ Air-dried cotton swabs - 2 sets from affected area (list body sources)

47. ☐ Dry unstained slides (list body sources)

48. ☐ Fibers from patient's body

49. ☐ Combing from patient's head

50. ☐ Combing from pubic area

51. ☐ 6-8 hair samples pulled from pubis

52. ☐ 12 strands patient's head hair pulled from different regions of head

53. ☐ Saliva sample: cotton cloth in patient's mouth and air dried

54. ☐ 4 drops of patient's blood dried on cotton cloth

I understand that the law considers the examining licensed or certified health professional as an eye witness in the body of events surrounding a potential crime, and that I may be called to testify and be cross-examined about my findings in this examination.

55. Examining health professional signature _____

56. Examining health professional printed name _____

Title _____

57. Supervising physician name, if any _____

58. (If known) Termination date of this employment _____

59. Examiner fluent in English

_____ Yes _____ No

1st Copy - Medical Records 2nd Copy - Police 3rd Copy - Patient 4th Copy - Prosecutor

ASSAULT VICTIM MEDICAL REPORT

Form C
Patient Treatment Record

Please type or print all information clearly.
For explanation of each item, see corresponding number in associated protocol.

---

60. Date of treatment _____ 61. Time of treatment _____

62. Patient Name _____ 63. Medical File No. _____
Last First

---

64. Statement of Patient's Rights.

1. You have the right to considerate and respectful care by doctors and nurses.
2. You have the right to privacy and confidentiality for yourself and your medical records.
3. You have the right to full information about treatment.
4. You have the right to refuse or choose treatment offered, and to leave the location of medical service when you wish.
5. You have the right to continued care and timely treatment of your future health problems related to this incident.

Tests given to patient:

65. GC culture ____ Yes ____ No 66. VDRL ____ Yes ____ No

67. Pap smear ____ Yes ____ No 68. Pregnancy test ____ Yes ____ No

69. Other information ____ No ____ Yes Describe:

Treatment given to patient:

70. VD prophylaxis ____ No ____ Yes Describe:

71. Medication given:

72. Medication prescribed:

73. Other treatment given:

Future treatment planned

74. Transfer to another medical facility Name _____

75. Appointment in 6 weeks for repeat GC culture, VDRL, and pregnancy test:

Date _____ Time _____ Place _____

76. Referred for counselling, or introduced for follow-up to:

1st Copy - Medical Records 2nd Copy - Patient

CONCLUSION

As a result of the feminist movement, media coverage, and general changes in social attitudes, increased public attention has been focused on rape. As a result, police departments often feel pressure to adopt better strategies for handling the crime. However, it is unlikely that any particular strategy adopted by a police department will have a dramatic impact. Furthermore, available strategies are limited by the scarcity of resources. Nonetheless, police departments would benefit by responding to public pressure and rising expectations. Many departments already have adopted innovative organizational changes, developed better training programs, or devoted greater manpower to handling rape cases. Police have acknowledged mistakes they make, especially with regard to victims. There are programs that can be practically and economically implemented to correct deficiencies.

The issues presented in this manual can be considered catalysts for further discussion of ways to improve police departments' response to rape. There are no ideal solutions. Each organization must make decisions within its own constraints. At best, these decisions may result in more apprehensions and convictions. They surely can lead to better treatment of victims. While the answers are not obvious, especially in light of other needs and limited resources, the problems cannot be ignored.

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